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N. B

Laws, statutes, etc.

1786-1827

THE

ACTS

OF THE

GENERAL ASSEMBLY

OF

HIS MAJESTY'S PROVINCE

OF

NEW-BRUNSWICK,

FROM THE TWENTY-SIXTH YEAR TO THE END OF THE REIGN OF

KING GEORGE the THIRD.

WITH A COPIOUS INDEX.



FREDERICTON:

PRINTED BY GEO. K. LUCRIN, PRINTER TO THE KING'S MOST
EXCELLENT MAJESTY.

1824.

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PREFACE.

THIS Edition of the Laws was revised and prepared for the Press in the Year 1823, and the Printing commenced; and it was expected, it would have been ready for issuing to the Public some time in the Year 1824, but owing to various unavoidable circumstances the printing of it was not completed until the Spring of the present Year; it is not therefore so perfect as was originally intended, from the circumstance, of many of the Acts, as they now stand in this Edition, having been either altered, amended or repealed by other Acts passed in almost every Session, since the revision was completed and the printing in some degree advanced, and consequently such alterations could not be noticed in this Edition without an entire new revision of the Laws, which would have required new Printing and created a very heavy additional expence besides much further delay in the issuing thereof to the Public,—under these circumstances, it has been thought better to add the Laws made since the Year 1823, (including those of the Session of 1827.) to the second volume, as an Appendix, with a separate Index thereto. It will therefore be requisite for the Reader in the first place to refer to the Appendix, in order to ascertain in what respects the Laws in this Edition have by those subsequent Acts been altered, amended or repealed; to facilitate which, the following Table is given, shewing what Laws have been so altered or repealed, and also the Acts making such alterations, or repealing the same, which, it is hoped, will afford sufficient information to the reader, thereon.

A TABLE

Shewing the Acts in the First and Second Volumes, which have been since altered, amend, continued, or repealed, and by what Acts in the Appendix.

ACTS IN THE FIRST AND SECOND VOLUME.		Altered, amended, continued or Repealed.	BY WHAT ACTS IN THE APPENDIX.
26 Geo. 3, c. 6.	Act for regulating Jurors, &c.	Amended & provision made for the more effectual recovery of fines.	6 Geo. 4, c. 19.
26 Geo. 3, c. 12.	An Act for subjecting Real Estate in the Province of New-Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon,	Repealed so far as relates to the certifying and recording judgments and further regulations made relative thereto.	8 Geo. 4, c. 7. and 8 Geo. 4, c. 8.
26 Geo. 3, c. 37.	Act for regulating Servants,	Further regulations made.	7 Geo. 4, c. 5.
26 Geo. 3, c. 42. 26 Geo. 3, c. 43. 27 Geo. 3, c. 8. 29 Geo. 3, c. 42.	Acts for assessing, collecting, and levying of rates for public charges,	Declared to be in force, and revised amended & altered.	6 Geo. 4, c. 15.
26 Geo. 3, c. 47. 28 Geo. 3, c. 3. 52 Geo. 3, c. 17. 56 Geo. 3, c. 2.	Acts for the better extinguishing fires that may happen in the City of St. John, in addition thereto, further in addition thereto, Act to increase the number of firemen in the said city of St. John.	Repealed & further regulations made relative thereto.	7 Geo. 4, c. 8.
26 Geo. 3, c. 53. 38 Geo. 3, c. 2. 50 Geo. 3, c. 10.	An act for the regulation of Seamen, In addition to and amendment thereof, Further in amendment,	Repealed & more effectual provision made for that purpose.	7 Geo. 4, c. 12.
27 Geo. 3, c. 6. 54 Geo. 3, c. 6.	Acts for the regulation of Licences to Inns, Taverns, and Houses for selling strong Liquor by Retail,	Altered and amended	6 Geo. 4, c. 13.
29 Geo. 3, c. 1.	Act for erecting a Parish in the City of St. John,	Altered,	5 Geo. 4, c. 19.
31 Geo. 3, c. 5.	Act for regulating marriage and divorce and for preventing and punishing incest, adultery, and fornication,	Altered and amended,	8 Geo. 4, c. 9.
32 Geo. 3, c. 6.	An act to prevent the destruction of Sheep by Dogs,	Repealed & further provision made,	8 Geo. 4, c. 18.
39 Geo. 3, c. 9.	Act to repeal 36 Geo. 3, c. 5, and to make more effectual provision for preventing the importation and spreading of contagious distempers,	Amended.	7 Geo. 4, c. 4.
41 Geo. 3, c. 5. 45 do, c. 19. 50 do, c. 30. 59 do, c. 12. 3 Geo. 4, c. 15. and 4 Geo. 4, c. 10.	Acts relating to Insolvent Debtors,	Further amended.	7 Geo. 4, c. 13.
47 Geo. 3, c. 16.	An act to prevent illicit and clandestine trade and for imposing a duty &c.	In addition thereto.	7 Geo. 4, c. 15.

ACTS IN THE FIRST AND SECOND VOLUME.

Amended,
continued or
Repealed. BY WHAT ACTS IN
THE APPENDIX.

50 Geo. 3, c. 6,	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, in continuation and amendment thereof, Act to provide for the more effectually repairing the streets and bridges in the City and County of St. John, in continuation and amendment thereof, Act to impose a duty on certain articles imported into this Province, Act in explanation and amendment thereof,	Continued for 3 years	} 5 Geo. 4, c. 14.	
and 58 Geo. 3, c. 3.		and amended.		} 7 Geo. 4, c. 23.
50 Geo. 3, c. 16,		Continued for 3 years & amended	} 5 Geo. 4, c. 26.	
and 58 Geo. 3, c. 9.				
52 Geo. 3, c. 6,			Amended.	} 5 Geo. 4, c. 15.
and 59 Geo. 3, c. 9				
52 Geo. 3, c. 7.	Act to authorize the Justices of the Peace for York and Charlotte Counties to regulate the Assize of Bread in the towns of Fredericton and St. Andrews,	Repealed as far as relates to the town of Fredericton and further provision made.	} 5 Geo. 4, c. 18.	
54 Geo. 3, c. 15.	Act to authorize the Justices of Westmorland a General Sessions to regulate the grazing &c. of the several Marshes within said County,	Continued for 5 years.		} 7 Geo. 4, c. 3.
57 Geo. 3, c. 9	Act for appointing firewards in the towns of Fredericton and St. Andrews, and ascertaining their power and duty, and more effectually to prevent fires in said Towns,	Repealed so far as relates to the town of Fredericton & further regulations made for said town.	} 5 Geo. 4, c. 5. and 7 Geo. 4, c. 11.	
2 Geo. 4, c. 2.	Act for the better extinguishing fires in the aforesaid Towns,	2 Geo. 4, c. 2, continued so far as relates to Saint Andrews to 1st May, 1829.		} 8 Geo. 4, c. 22.
3 Geo. 4, c. 17,	Act in addition thereto,			
4 Geo. 4, c. 20.	Act in amendment thereof,			
59 Geo. 3, c. 6.	Act for the more effectual punishment of persons who shall be guilty of the Trespasses therein mentioned in the city of St. John,	continued for 5 years.	} 5 Geo. 4, c. 4.	
59 Geo. 3, c. 7.	Act in amendment of the Act for preventing the importation and spreading of contagious Distempers in the city of Saint John,	continued for 5 years		} 5 Geo. 4, c. 7.
59 Geo. 3, c. 15.	An act to prevent desertion from His Majesty's forces, and to punish unlawful dealings with Soldiers or Deserters, Act to regulate Herring Fisheries in Parishes of West Isles, Campo Bello, Pennfield and Saint George in Charlotte County.	continued for 5 years,	} 5 Geo. 4, c. 1.	
59 Geo. 3, c. 16,		continued for 3 years, when same expired,		} 5 Geo. 4, c. 2.
and 2 Geo. 4, c. 3,	Act to extend provision of same to Grand Manan,	new provision made in lieu thereof,	} 8 Geo. 4, c. 11.	
60 Geo. 3, c. 2, (continued for 3 years by 4 Geo. 3, c. 15.	Act for granting further aid in support of Grammar School in St. Andrews,	continued for 2 years.		} 8 Geo. 4, c. 3.

ACTS IN THE FIRST AND SECOND VOLUME.

		Altered, amended, continued or Repealed.	BY WHAT ACTS IN THE APPENDIX,
60 Geo. 3, c. 13.	An act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New-Brunswick,	capital stock increased.	6 Geo. 4, c. 3.
60 Geo. 3, c. 15.	An act to provide for sick and disabled Seamen, not being paupers belonging to the Province,	2d section repealed,	7 Geo. 4, c. 14.
2 Geo. 4, c. 12.	" in addition to and amendment thereof,	added to and amended,	
3 Geo. 4, c. 27.	" in alteration thereof and to provide for the accommodation of sick and disabled seamen,	further provision made,	
60 Geo. 3, c. 25	An act to alter and in addition to an act for establishing a tender in all payments to be made in this Province,	Repealed,	7 Geo. 4, c. 24.
2 Geo. 4, c. 4.	Act to authorise the Justices of Charlotte County to Levy an assessment to pay off the County debt,	further assessment authorized	6 Geo. 4, c. 11.
2 Geo. 4, c. 9.	An act for raising a Revenue in this Province,	revised and continued to 1st April, 1827,	7 Geo. 4, c. 26.
		1st, and 2d and part of 21th and 14th sections, repealed & revised, amended and continued to 1st April, 1828	8 Geo. 4, c. 25.
		continued to 1st April, 1831,	
3 Geo. 4, c. 19.	Act to regulate the cutting of Saw Logs on the river Magaguadavic and its branches,		7 Geo. 4, c. 2.
3 Geo. 4, c. 31.	Act to repeal all the Laws now in force relating to the establishment &c of Great Roads and to make more effectual provision for the same,	altered and amended.	5 Geo. 4, c. 25. 6 Geo. 4, c. 20. 8 Geo. 4, c. 10.
3 Geo. 4, c. 32.	Act to provide for and maintain an armed Cutter,	continued to the end of the session of 1826,	5 Geo. 4, c. 22.
4 Geo. 3, c. 12.	Act in amendment thereof	when the same expired new act made in lieu thereof which is also expired.	7 Geo. 4, c. 6.
		extended to all vessels of 30 tons and upwards registered in any of His Majesty's N. A. Colonies, and owned wholly by persons resident therein &c.	5 Geo. 4, c. 11.
3 Geo. 4, c. 33.	Act to encourage the Inhabitants of the Province engaged in Cod and Seal Fisheries by granting bounties on the same,	Bounties further extended.	
4 Geo. 4,	All the acts passed in that Session	confirmed,	5 Geo. 4 c. 6.
4 Geo. 4, c. 9.	An act for regulating the inspection of fish to be consumed in this Province,	continued & amended.	8 Geo. 4, c. 5.

ERRATA.

- P**AGE 12, in first marginal note, third line, read "three" instead of "two" and in the fourth line after the word "viz" read "Norton"
- Page 48, in the first line of section 3, before the word "nuncupative" read "no."
- Page 190, in the last line of the note at the end of cap 9, read "Grantor" instead of "Grantess."
- Page 247, in the margin near the top against the last section of the Act of 32 Geo. 3, c. 6, read "vide 50. h Geo. 3d, c. 17, §. 10."
- Page 410, in the 16th and 17th lines from the top read "than resorting" to such house or houses "instead of restoring to such house or houses."
- Page 412, second line from the top read "Felony" instead of "Fellony."
- Page 455, in first line of marginal note to the 85, read "Privilege" instead of "Priviledge."
- Page 461, and continued in the three following Pages is the Act of the 26 Geo. 3, c. 10, printed as a note by mistake, the same being in its proper place in the Volume.
- Page 593, sixth line from the top, read "54th" instead of "44th".
- Page 597, in second line from the bottom after the word "an" read "act to"
- Page 673, in the title of the Act of 60 Geo 3, c. 4, read "continue" instead of "make perpetual"
- Page 689 in twenty fifth line from the top read "there" instead of "their"
- In letter F of the Index under the head of Ferries at No 5, read "Act for the appointing Firewards" instead of "for better extinguishing of"
- Also in same letter under the same head leave out the note to No. 7, put in by mistake
- In letter H next to harboring, read "Harbours, securing navigation of, by Beacons, &c. see Beacons and Buoys"
- In the Index, after the word "Poor" in letter F, read "Poor House of St. John, see St. John No. 7."

THOMAS CARLETON, Esquire, the first Governor of the Province of NEW-BRUNSWICK, was appointed Captain-General and Governor-in-Chief in and over the same, on the 16th of August, in the year of our Lord 1784, and continued until the 20th of May, 1786; when SIR GUY CARLETON, afterwards Lord Dorchester, having been appointed Governor of this and the adjacent Provinces of NOVA-SCOTIA, CANADA, &c. the said THOMAS CARLETON, Esquire, was appointed Lieutenant-Governor of NEW-BRUNSWICK, and continued to administer the Government of the same until the 5th of October, 1803, when (having obtained HIS MAJESTY'S most gracious leave of absence) he went to GREAT-BRITAIN, and thereupon the administration of the Government devolved upon

GABRIEL G. LUDLOW, Esquire, who continued to administer the same until his Death, which happened the 12th of 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 thereof, by the abovementioned style, until the 24th of June, 1812, with the exception of the time when he was twice-absent to Nova-Scotia, in the Military Command there; during which time 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 of December, 1808, to the 28th of April, 1809; and by

Major-General **WILLIAM BALFOUR**, from the 11th of September to the 14th of November, 1811.

Major-

Major-General HUNTER,

was succeeded by

Major-General GEORGE TRACEY 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 of 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

Major-General SMYTH,

who resumed the Government in August, 1814, and continued in the administration thereof until he again left the Province, on the 25th of June, 1816, to administer the Government of the Province of NOVA-SCOTIA, from which time to the 1st of July, 1817, the Government was administered by

Lieutenant-Colonel HARRIS WILLIAM HAILES,
as President and Commander-in-Chief; when he was superseded by the return of

Major-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 continued to administer the Government thereof, until his Death, which happened on the 27th day of March, 1823; when the administration of the Government devolved upon

WARD CHIPMAN, Esquire,

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

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

Anno 26 Georgii III.

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

7. An

The TITLES of the ACTS.

7. An Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them. *Repealed.*
8. An Act for enabling the Justices of the Supreme Court to try all causes a *Nisi Prius*, and authorizing Attornies of the Supreme Court to practice in the Inferior Courts of Common Pleas within this Province.
9. An Act for limiting the Value of Actions to be brought in the Inferior Courts of Common Pleas in this Province, and for restraining the removal of Actions.
10. An Act for Regulating the Courts of Law established in the several Counties, for the Trial of Causes to the Value of Forty Shillings.
11. An Act relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.
12. An Act subjecting Real Estates in the Province of New-Brunswick, to the payment of Debts, and directing the Sheriff in his proceedings thereon.
13. An Act for Relief against Absconding Debtors.
14. An Act for Prevention of Frauds and Perjuries.
15. An Act for Regulating Weights and Measures.
16. An Act for Establishing a Tender in all Payments to be made in this Province.
17. An Act for Establishing the Rate of Interest.
18. An Act for Preventing the Multiplication of Law Suits.
19. An Act for Permitting Persons of the Profession of the People called Quakers, to make an Affirmation instead of an Oath.
20. An Act for admitting Depositions *De Bene Esse*, of Witnesses aged, infirm, and otherwise unable to travel, and of Witnesses departing from the Province.
21. An Act to prevent unnecessary Expence in Actions on the Case on Judgment by Default.
22. An Act for ascertaining Damages on Protested Bills of Exchange.
23. An Act for giving the like Remedy upon Promissory Notes as on Inland Bills of Exchange.
24. An Act to enable Creditors more easily to recover their Debts from Joint Partners.
25. An Act to prevent Frivolous and Vexatious Arrests.
26. An Act to prevent Gaming.
27. An Act for preventing Idleness and Disorders, and for punishing Rogues, Vagabonds, and other idle and disorderly Persons.
28. An Act for the appointment of Town or Parish Officers in the several Counties in this Province.
29. An Act for preventing Trespasses. *Repealed.*
30. An Act to prevent the burning Woods by carelessly or wantonly firing the same.
31. An Act to prevent Nuisances by Hedges, Wears, Seines and other Incumbrances, obstructing the passage of Fish in the Rivers, Coves and Creeks, of this Province. *Expired.*
32. An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province. *Suspended by 21 Geo. 3. c. 7.*
33. An Act for regulating and facilitating the Navigation of the River Saint John, and other Rivers in this Province.
34. An Act for securing the Navigation of the River Maggaugaudavic.
35. An Act to prevent the malicious killing or maiming of Cattle.

36. An Act for regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors.
37. An Act for regulating Servants.
38. An Act to enable the Justices of the Peace of the several Counties in this Province, for the time being, to receive for Public uses, Grants of Lands lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same.
39. An Act for the Preservation of Moose. *Expired.*
40. An Act to oblige absent Proprietors to pay a proportion of any Public charge and to repair Highways.
41. An Act to enable the Treasurers of the respective Counties in this Province, to recover from such Person or Persons as have heretofore received any Monies or are otherwise indebted for the sale of Mill Privileges and Public Lots.
42. An Act for assessing, collecting and levying, County Rates.
43. An Act to regulate and provide for the support of the Poor in this Province.
44. An Act to regulate the Sale of Goods sold at Public Auction or Out-cry.
45. An Act for appointing Commissioners of Sewers.
46. An Act for confirming unto the City of Saint John, its Rights and Privileges.
47. An Act for the better extinguishing Fires that may happen within the City of Saint John.
48. An Act against Foresters and Regraters.
49. An Act establishing the Rates to be taken for Wharfage and Cranage of Ships and other Vessels, within the limits of this Province.
50. An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the Quality of the same. *Repealed.*
51. An Act to prevent Frauds in the Sale of Damaged Goods imported into this Province.
52. An Act for regulating Pilots.
53. An Act for the regulation of Seamen.
54. An Act to enable the Corporation of the City of Saint John, to raise a sum of Money, not exceeding Three Hundred Pounds in the whole, nor more than One Hundred Pounds in any one Year, to pay off their Debts already incurred, and to defray the necessary contingent Expences arising within the said City.
55. An Act for raising a Revenue in this Province. *Expired.*
56. An Act to rectify the mistakes in an Act for raising a Revenue in this Province. *Expired.*
57. An Act to lay a Tax on Dogs. *Expired.*
58. An Act against Tumults and Disorders upon pretence of preparing or presenting Public Petitions or other Addresses to the Governor or General Assembly.
59. An Act for the speedy Punishment and Release of such Persons as shall commit Criminal offences under the degree of Grand Larceny.
60. An Act for the Conviction and Punishment of Criminals who shall refuse to plead when arraigned, and for the Trial of those who shall peremptorily challenge more than Twenty.
61. An Act for the Trial and Punishment of Criminals who shall Steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes.

Anno 27 Georgii III.

1. AN Act for establishing a Militia in the Province of New-Brunswick, and for regulating the same. *Expired.*
2. An Act to authorize the respective Proprietors of certain Islands in the River St. John, and other Rivers in this Province, to make rules and regulations for their better improvement and cultivation.
3. An Act for laying an Impost. *Expired.*
4. An Act for securing the Purchasers of Mortgaged Estates. *Disallowed by His Majesty, 1790.*
5. An Act in addition to "An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors within the several Towns or Parishes in this Province." *Expired.*
6. An Act to empower the Justices of the General Sessions of the Peace in the several Counties in this Province, to grant Licences to Tavern-keepers and Retailers of Spirituous Liquors.
7. An Act in addition to "An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes."
8. An Act in addition to an Act, intituled, "An Act for assessing, collecting and levying County Rates."
9. An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower.
10. An Act to enable the Justices of the Peace in the several Counties in this Province, wherein no sufficient Gaols are erected, to send Persons charged with Grand Larceny, and other offences of a higher nature, to the Gaol of the City and County of Saint John. *Expired.*
11. An Act in addition to an Act, intituled, "An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same." *Repeated.*
12. An Act for appropriating and disposing of the Public Monies. *Expired.*

Anno 28 Georgii III.

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

The TITLES of the ACTS.

v.

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

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

1. AN Act to continue an Act, intituled, "An Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary." *Expired.*
2. An Act to declare that no Law passed in the General Assembly of the Province of Nova Scotia, before the erection of the Province of New-Brunswick, shall be of force in this Province.
3. An Act in addition to and in amendment of an Act, intituled "An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commis-

Commissioners and Surveyors within the several Towns or Parishes of this Province."

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

Anno 32 Georgii III.

1. AN Act for continuing the establishment of a Militia, and for regulating the same. *Repealed.*
2. An Act in amendment of an Act, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estate against Claims of Dower, and also to enable Femes Covert more easily to convey any Real Estate they may hold in their own right."
3. An Act to provide for the Maintenance of Bastard Children.
4. An Act for altering the Times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland.
5. An Act to encourage the destroying of Wolves.
6. An Act to prevent the destruction of Sheep by Dogs.
7. An Act to continue an Act, intituled: "An Act to prevent Frauds in the Sale of Damaged Goods imported into this Province." *Expired.*
8. An Act to enable the Justices of the Court of General Sessions of the Peace and Inferior Court of Common Pleas in King's County, to hold the same Courts for the present Year, at the time therein mentioned. *Obsolete.*
9. An Act to restrain all Persons that may be concerned in the Collection of Impost Duties, from owning any Vessel, or trading or dealing in Dutiable Articles.

10. An Act for raising a Revenue in this Province. *Expired.*
 11. An Act to defray the Expences incurred, and to be incurred in the Public Service, therein mentioned. *Expired.*
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Anno 33 Georgii III.

1. AN Act to continue sundry Acts of the General Assembly which have expired or are near expiring. *Expired.*
 2. An Act to prevent the encumbering or filling up of Harbours.
 3. An Act for apprehending Deserters from His Majesty's Service and for punishing unlawful Dealings with Soldiers or Deserters. *Suspended.*
 4. An Act to explain and amend an Act, intituled, "An Act to provide for the support of a Light-House to be built upon Partridge Island."
 5. An Act in amendment of an Act, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates, against Claims of Dower."
 6. An Act in amendment of an Act, intituled, "An Act to regulate and provide for the support of the Poor in this Province."
 7. An Act for regulating the Size and Contents of Lime Hogsheads, within this Province.
 8. An Act to levy an Assessment on the Proprietors of the Township of Sackville, for defraying the Expences of a Survey and Plan of said Township.
 9. An Act for regulating the Fisheries in the different Rivers, Coves and Creeks, of this Province.
 10. An Act for raising a Revenue in this Province. *Expired.*
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Anno 34 Georgii III.

1. AN Act for the better regulating the Militia in this Province. *Expired.*
2. An Act for apprehending Persons in any County or Place upon Warrants granted by Justices of the Peace of any other County.
3. An Act to explain and amend an Act, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks, of this Province."
4. An Act for altering the Times of holding the Inferior Court of Common Pleas and General Sessions of the Peace, in the County of Charlotte.
5. An Act to alter and amend an Act, intituled, "An Act for regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors."
6. An Act to alter and amend an Act, intituled, "An Act for ascertaining Damages on Protested Bills of Exchange."
7. An Act to continue an Act, intituled, "An Act for raising a Revenue in this Province." *Expired.*
8. An Act in addition to an Act, intituled, "An Act for appointing Commissioners of Sewers."

9. An Act for preserving the Bank of the River Saint John, in front of the Parishes of Magerville, Sheffield, and Waterborough.
 10. An Act for appropriating and disposing of the Public Monies. *Expired.*
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Anno 35 Georgii III.

1. AN Act for the more easy and speedy Recovery of Small D-bts. *Expired.*
 2. An Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the Summary Trial of certain Actions.
 3. An Act in addition to an Act, intituled, "An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes."
 4. An Act for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury. *Expired.*
 5. An Act to continue several Acts that are near expiring. *Expired.*
 6. An Act to provide for the support of Beacons to be erected for better securing the Navigation of Passamaquoddy Bay, and building a Slip in the Harbour of Saint Andrews. *Expired.*
 7. An Act further to continue an Act, intituled, "An Act for raising a Revenue in this Province." *Expired.*
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Anno 36 Georgii III.

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

Anno 37 Georgii III.

1. AN Act to continue an Act, intituled, "An Act for the more easy and speedy recovery of small Debts." *Expired.*
 2. An Act to alter and amend an Act passed in the twenty-sixth year of His Majesty's Reign, intituled, "An Act for preventing Trespasses." *Repealed.*
 3. An Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary. *Expired.*
 4. An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same.
 5. An Act to prevent the growth of Thistles. *Expired.*
 6. An Act to alter and amend an Act, intituled, "An Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same."
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Anno 38 Georgii III.

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

1. AN Act for raising a Revenue in this Province. *Expired.*
2. An Act to provide for payment of sundry Debts of the Province, for the year one thousand seven hundred and ninety-five. *Expired.*
3. An Act for defraying the ordinary services of the year one thousand seven hundred and ninety-five. *Expired.*
4. An Act to provide for payment of the services therein mentioned. *Expired.*
5. An Act for regulating the Fisheries in the County of Northumberland.
6. An Act in amendment of an Act made and passed in the thirty-first year of His Majesty's Reign, intituled, "An Act for the support and relief of Confined Debtors." *Expired.*
7. An Act to authorize the Justices of the Sessions in the several Counties in this Province, to make regulations for the weighing of Hay, within such Counties where it may be found necessary to erect Machines for that purpose.
8. An

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8. An Act to prevent the importation or spreading of Infectious Distempers within this Province.
 9. An Act to repeal an Act made and passed in the thirty-sixth year of His Majesty's Reign, intituled, "An Act to prevent bringing Infectious Distempers into the City of Saint John, and to make more effectual provision for preventing the Importation and spreading of such Contagious Distempers.
 10. An Act for defraying the ordinary services of the Province, for the years one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine. *Expired.*
 11. An Act for raising a Revenue and for appropriating the same towards reimbursing the Members attending in General Assembly. *Expired.*
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Anno 41 Georgii III.

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

Anno 42 Georgii III.

1. AN ACT for regulating the Militia. *Repealed.*
 2. AN Act for altering the Times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Kings.
 3. AN Act for altering the Times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmorland.
 4. AN Act to render Persons convicted of Petty Larceny competent Witnesses.
 5. AN Act for the easy and speedy Recovery of Small Debts, and for regulating the proceedings thereon.
 6. AN Act for aiding and encouraging Parish Schools. *Obsolete.*
 7. AN Act in addition to an Act, "To regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the Summary trial of Actions."
 8. AN Act for raising a Revenue in this Province, and for appropriating the same, together with the Monies now in the Treasury. *Expired.*
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Anno 43 Georgii III.

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

Anno 45 Georgii III.

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

Anno 47 Georgii III.

1. AN Act for the more effectual punishment of such Persons as shall seduce Soldiers to Desert. *Expired.*
2. An Act for the futher relief of Debtors, with respect to the imprisonment of their persons.
3. An Act to ascertain the Rights of Fishery. *Disallowed by his Majesty in Council.*
4. An Act in alteration and amendment of an Act, for establishing the rates to be taken for Wharfage and Cranage. *Repealed.*
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. *Expired.*
6. An Act to render Justices of the Peace more safe in the execution of their duty. *Repealed.*
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. *Obsolete.*
10. An Act for raising a Revenue in this Province. *Expired.*
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. *Expired.*
12. An Act in addition to an Act, intituled, An Act for the better regulating the Militia in this Province. *Repealed.*
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. *Expired.*
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. *Repealed.*
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, Adultry and Fornication."
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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. *Repealed.*
 5. An Act to continue an Act, intituled, "An Act for raising a Revenue in this Province." *Expired.*
 6. An Act to appropriate the Public Revenue. *Expired.*
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Anno 50 Georgii III.

1. An Act to authorise the Sheriff or other Executive Officer serving Process at the Parish of St. 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 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, joint-tenancy, and tenancy in common.
8. An Act in addition to the Act to prevent the encumbering or filling up of Harbours. *Repealed.*
9. An Act for better regulating the Militia in this Province. *Repealed.*
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." *Perpetual.*
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. *Obsolete.*
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." *Repealed.*
14. An Act to continue and amend an Act, intituled, "An Act for raising a Revenue in this Province." *Expired.*
15. An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland. *Expired.*

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. *Expired.*
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." *Expired.*
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 Provision for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John."
29. An Act to revise 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. *Expired.*
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." *Expired.*
34. An Act to appropriate a part of the Public Revenue for the Services therein mentioned. *Obsolete.*
35. An Act to grant and appropriate certain sums of money for Roads and Bridges. *Obsolete.*

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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."
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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, Adultery 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. *Expired.*
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 Fredrickton and St. Andrew's.
8. An Act to amend and continue for a limited time an Act intituled, "An Act for better regulating the Militia in this Province." *Repealed.*
9. An Act for erecting a Court-House and Gaol in the County of Northumberland.
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 Constables 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 Bate'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 Commonality of the City of the

- Saint John, to make Regulations for the more effectual prevention of Fires within the said City. *Expired.*
17. An Act in further addition to an Act, intituled, "An Act for better extinguishing Fires that may happen within the City of St. 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 coparcenary, joint-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. *Obs.*
 23. An Act to provide for opening and improving Roads, and erecting Bridges throughout the Province. *Obsolete.*
 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. *Repealed.*
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 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 St. 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. *Expired.*
6. An Act to provide for the accommodation and billeting of his Majesty's Troops and the Militia, when on their march. *Expired.*

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7. An Act to appropriate the Public Money. *Obsolete.*
 8. An Act to explain an Act, intituled, "An Act for regulating the Militia." *Repealed.*
 9. An Act for the further increase of the Revenue of this Province. *Expired.*
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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." *Repealed.*
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." *Expired.*
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 St. Andrew's Church, in the Parish of Saint Andrew's, to convey to the King's Majesty, a certain 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 registering 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." *Expired.*

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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 or 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. *Expired.*
 19. An Act for laying additional Duties on certain articles imported into this Province. *Expired.*
 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. *Expired.*
 21. An Act to continue and amend an Act, intituled, "An Act for regulating the Militia." *Repealed.*
 22. An Act to appropriate a part of the Public Revenue for the services therein mentioned. *Obsolete.*
 23. An Act to provide for the opening and improving Roads and erecting Bridges throughout the Province. *Obsolete.*
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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. *Rep.*
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 Sea-bank 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

- 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." *Repealed.*
 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 Andrew's in the County of Charlotte.
 16. An Act to exclude ignorant and unskillful 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 the several Counties of this Province.
 22. An Act for the establishment, regulation and improvement of the Great Roads of Communication through the Province. *Repealed.*
 23. An Act to encourage the establishment of Schools in this Province. *Expired.*
 24. An Act further 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. *Expired.*
 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, 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. *Expired.*
 30. An Act to appropriate a part of the Public Revenue for the services therein mentioned. *Obsolete.*
 31. An Act to provide for the opening and repairing Roads and erecting Bridges throughout the Province, and improving the navigation of the River Saint John
and

and its branches.

32. An Act for the encouragement of the Trade of this Province in Plaster of Paris otherwise called Gypsum. *Expired.*

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. *Four months expired.*
2. An Act further to continue the several Acts now in force for raising a Revenue in this Province. *Expired.*
3. An Act to amend and explain an Act, intituled, "An Act to encourage the Fisheries in this Province." *Expired.*
4. An Act in addition to and amendment of an Act, intituled, "An Act for regulating Pilots." *Repealed.*
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." *Repealed.*
7. An Act to provide for the necessities of the Province, occasioned by the failure of the late crop. *Expired.*
8. An Act to regulate the exportation of dutiable articles from and out of this Province. *Expired.*
9. An Act for appointing Firewards in the Towns of Fredericton and Saint Andrew's, 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." *Repealed.*
11. An Act to appropriate a part of the Public Revenue for the services therein mentioned. *Obsolete.*

Anno 58 Georgii III.

1. An Act for altering the terms of holding the Courts of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of Westmorland.
2. An Act to prevent the destruction of the Cod and Scale Fisheries, in the Bays and Harbors of this Province.
3. An Act further to continue and amend an Act, intituled, "an Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province."

4. An Act to authorise the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties.
5. An Act further to continue an Act, 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." and to extend the Provisions of the same to King's County.
6. An Act to enable the Lieutenant-Governor or Commander in Chief of this Province, for the time being, to suspend upon the contingency, and in the manner therein mentioned, the further operation of the Act, "for the encouragement of the Trade of this Province in Plaster of Paris, otherwise called Gypsum." *Expired.*
7. An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.
8. An Act in amendment of an Act, intituled, "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."
9. An Act further to continue, and amend "an Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."
10. An Act in further addition to an Act, intituled, "an Act for erecting a Court House and Gaol, in the County of Northumberland," and of the Act in addition thereto.
11. An Act to continue several Acts of the General Assembly, that are near expiring.
12. An Act further to provide for the security of the City of St. John, against the ravages of Fire.
13. An Act to extend the powers of the Minister and Elders of the Kirk of Scotland in the City of Saint John.
14. An Act to continue an Act, intituled, "an Act for the further increase of the Revenue of this Province, and also the Act to give full effect to the same." *Expired.*
15. An Act to provide for punctuality of payment at the Treasury.
16. An Act in addition to, and in amendment of an Act intituled, "An Act to encourage the establishment of Schools in this Province." *Expired.*
17. An Act to provide payment for certain Public Services.
18. An Act to empower and authorise the Justices of the Peace for the County of Charlotte, to lease a certain piece of Common Land in the Parish of Saint Andrew's, and to invest the proceeds towards the support of the Poor of the said Parish.
19. An Act for regulating the Inspection of Fish for home consumption. *Obsolete.*
20. An Act for raising a Revenue in this Province. *Expired.*
21. 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, and an Act in addition to, and in amendment thereof." *Repealed.*

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22. An Act to appropriate a part of the Public Revenue for the services therein mentioned. *Obsolete.*
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Anno 59 Georgii III.

1. An Act to prevent the further Issuing and circulation of Treasury Notes.
2. An Act to make perpetual several Acts of the General Assembly which are near expiring.
3. An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy an assessment on the Inhabitants of the said City, for the purpose of building a Poor-House in the said City.
4. An Act to revive and make perpetual an Act, intituled, "an Act authorising the Mayor, Aldermen and Commonalty, of the City of St. John, to make regulations for the more effectual prevention of Fires within the said City."
5. An Act: in addition to, and amendment of an Act, intituled, "An Act to revive and make perpetual 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."
6. An Act for the more effectual punishment of Persons who shall be guilty of the Trespasses therein mentioned, in the City or Saint John.
7. An Act in amendment of the Act, "for making further provision for preventing the importation and spreading of Contagious Distempers in the City of St. John."
8. An Act to provide for the support of a Light-House to be built upon Point Escuminac, in the County of Northumberland. *Expired.*
9. An Act to explain and amend an Act, intituled, "an Act to impose a Duty upon certain articles imported into this Province."
10. An Act to enable the Province Treasurer to borrow the Sum of Nine Thousand Pounds, for paying off Bounties and other Debts payable by the Laws of this Province.
11. An Act to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same.
12. An Act in addition to and in amendment of an Act, intituled, "An Act for the support and relief of Confined Debtors, and the Act further to extend the provisions thereof."
13. An Act to regulate the exportation of Fish, and to repeal the Laws now in force relating thereto.
14. An Act further 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 give further encouragement to the present Proprietors of the Steam-Passage-Boat erected in pursuance of the same Act.
15. An Act to prevent Desertion from His Majesty's Forces, and to punish unlawful

- lawful dealings with Soldiers or Deserters.
16. An Act to regulate the Herring Fisheries in the Parishes of West-Isles, Campo-Bello, Pennfield and St. George, in the County of Charlotte,
 17. An Act for laying a Duty on all Teas imported into this Province. *Expired.*
 18. An Act to amend and continue an Act, intituled, "an Act for raising a Revenue in this Province." *Repealed.*
 19. An Act to appropriate a part of the Public Revenue for the services therein mentioned. *Obsolete.*

Anno 60 Georgii III.

1. An Act to continue and amend an Act, intituled, "an Act for raising a Revenue in this Province," and to repeal the one made in amendment thereof. *Expired.*
2. An Act for granting further aid in support of the Grammar School of Saint Andrew's.
3. An Act to continue and make perpetual the Act for the preservation of River and Sea Banks or Dykes, that is near expiring.
4. An Act to continue several Acts of the General Assembly that are near expiring.
5. An Act for altering the terms of holding the Court of General Sessions of the Peace and inferior Court of Common Pleas in the County of King's. *Obs.*
6. An Act to confirm the Charter of the Madras School in New-Brunswick, and to extend the powers, of the Governor and Trustees of the same.
7. An Act to enable the Justices of the Supreme Court to enlarge the time of the sittings of the said Court, when the same shall be expedient.
8. An Act to explain, and amend, and continue an Act, intituled, "an Act to encourage the raising of Bread Corn on new Land."
9. An Act to provide for the cancelling the Treasury Notes that have been issued in this Province.
10. An Act to increase the Fees of Marshals in the City Court of the City of St. John.
11. An Act to authorise and empower the Inferior Court of Common Pleas in the respective Counties of this Province, to appoint Commissioners to take Bail in the same Court.
12. An Act for granting Bounties on Grain raised in this Province. *Repealed.*
13. An Act to incorporate sundry persons by the name of *The President, Directors, and Company, of the Bank of New Brunswick.*
14. An Act in addition to an Act, intituled, An Act to authorise the Justices of the Peace for the City and County of Saint John, to levy an assessment on the Inhabitants of the said City, for the purpose of building a Poor-House in the said City.
15. An Act to provide for sick and disabled Seamen, not being Paupers, belonging to the Province.

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16. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the Navigation of certain Rivers therein.
 17. An Act to appropriate a part of the Public Revenue for the services therein mentioned. *Obsolete.*
 18. An Act to appropriate a further part of the Public Revenue, for the services therein mentioned. *Obsolete.*
 19. An Act for the further increase of the Revenue of the Province. *Repealed.*
 20. An Act in addition to an Act, intituled, "an Act for the further increase of the Revenue of the Province." *Repealed.*
 21. An Act to prevent the taking of Fish in the different Harbors and Rivers of this Province, with Draft Nets.
 22. An Act to provide for, and encourage the settlement of Emigrants in this Province.
 23. An Act in addition to and amendment of an Act, intituled, "an Act for regulating the inspection of Fish for home consumption." *Obsolete.*
 24. An Act further to alter and amend an Act, intituled, "an Act for the establishment, regulation, and improvement, of the Great Roads of communication through the Province." *Repealed.*
 25. An Act to alter and in addition to an Act, for establishing a tender in all payments to be made in this Province. *Repealed.*
An Act in addition to an Act, intituled, "an Act for establishing a tender in all payments in this Province.
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THE ACTS

OF THE

GENERAL ASSEMBLY,

&c.

Anno Regni GEORGII III. Regis
Vicesimo Sexto.

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

CAP. I.

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

WHEREAS his most gracious Majesty, by his Royal Letters Patent under the Great Seal of this Province, bearing date the eighteenth day of May, one thousand seven hundred and eighty-five, was pleased to erect and constitute into one distinct and separate County, all that tract or district of Land situate in this Province, bounded southerly on the Bay of Fundy,
VOL. I. easterly

Preamble describing the several Counties in the Province, viz.

Saint John.

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

Westmorland.

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

See further 27
Geo. 3, c. 7,
shewing bounda-
ry line between
this County and
King's and
Queen's.

all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate County, to be called, known and distinguished by the name of the County of Westmorland.

And whereas by like Letters Patent since Charlotte. passed, his Majesty was pleased to erect and constitute into one distinct and separate County, another tract or district of Land, situate in the western part of this Province, bounded on the south by the Bay of Fundy, on the west by the river Scudiac or St. Croix, and the western shore of the Bay of Passamaquoddy, including the Island of Grand Manan, on the east by a due north line from point Le Proe in said Bay of Fundy, running into the Country, and on the north by a due west line commencing in the said north line thirty miles distant from point Le Proe aforesaid. And did thereby ordain, establish and declare that all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate County, to be called, known and distinguished by the name of the County of Charlotte.

And whereas by like Letters Patent since Northumberland.
See further 43
Geo. 3, c. 4 § 1. passed, another tract or district of Land lying within this Province, bounded southerly by the County of Westmorland, easterly, by the Gulf of St. Lawrence, and the Baie des Chaleurs, northerly by the said Bay and the southern boundary of the Province of Quebec, and westerly by a continuation of the western boundary line of the said County of

Westmorland, was also erected into one distinct and separate County; to be called and known by the name of the County of Northumberland.

King's County.

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

Queen's County.

And whereas by like Letters Patent in like manner since passed, another tract or district of Land, lying within this Province, on both sides the river Saint John, bounded on the south-east by King's County, on the south-west by Charlotte County, on the north-east by the County of Northumberland, and on the north-west by the south boundary line of Burton Township, and by a continuation of the said line to the north-east and south-west until it meets the Counties of Northumberland and Charlotte respectively; was also erected into one distinct and separate County, to be called and known by the name of Queen's County.

York.

And whereas by like Letters Patent, in like manner since passed, another tract or district of Land, lying within this Province on both sides the river Saint John, bounded
on

on the south-west by Charlotte County, on the north-east by the County of Northumberland, on the north-west by the Province of Quebec, and on the south-east by the north boundary line of the Township of Maugerville, and by the said line continued to the north-east till it meets the western bounds of Northumberland County, and south-west to the eastern bounds of the County of Charlotte, was also erected into one distinct and separate County, to be called and known by the name of the County of York.

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

And whereas his Majesty did further grant and declare in the said Letters Patent respectively, that his loving subjects then residing and who thereafter should inhabit within the said Counties respectively, might at their own charge erect a Court-House and Gaol in each of the said Counties, viz.

at the City of Saint John, in the County of Saint John; at Westmorland, in the County of Westmorland; at Saint Andrews, in the County of Charlotte; at Kingston, in King's County; at Gage-Town, in Queen's County, and at Fredericton, in the County of York; which said several Towns were thereby declared to be the County Towns of the said Counties respectively.

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

At the City of Saint John;
At Westmorland;
At St. Andrews;
At Kingston;
At Gage-Town;
At Fredericton.

Counties subdivided into Towns or Parishes.

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

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

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

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

Portland.

west---

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

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

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

Westmorland,
Sackville,
Hopewell,
Hillsborough,
Moncton.

See 27 Geo. 3, c. 7, and 45 Geo. 3, c. 18, erecting Parishes of Dorchester, Salisbury, and Botsford.

effectually as if the same were in this Act particularly repeated and expressed.

Towns or Parishes in Charlotte County, viz.—

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

St. Stephen.

See further 53 Geo 3, c 2, enlarging the Parish of St. Stephen.

See further 4 Geo 4, c 11, erecting part of the Parish of St. Stephen and adjacent Country, into a separate Parish, called St. James.

St. David.

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

St. Andrews.

The third Town or Parish to be called, known and distinguished by the name of St. An.

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

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

St. Patrick.

See further 54
Geo. 3, c. 45 § 2,
enlarging Parish
of St. Patrick.

St. George.

See further 54
Geo 3, c. 15 § 2.
enlarging Parish
of St. George.

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

~~Pennfield~~

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

West-Isles.

* See 43 Geo. 3, c. 4 § 2, constituting Campo Bello into a distinct Parish.

† See 56 Geo. 3, c. 10, constituting Grand Manan into a distinct Parish.

The seventh Town or Parish to be called, known and distinguished by the name of West-Isles, to contain Deer Island, Campo-Bello* Island, Grand Manan Island,† Moose Island, Frederick Island and Dudley Island, with all the lesser Islands contiguous to them,

them, not included in the Towns before-mentioned.

V. The said County called King's County, shall be divided into four Towns or Parishes, as follows, viz. the first Town or Parish to be called, known and distinguished by the name of Westfield, bounded by a line running from the mouth of a Creek which discharges into the Long Reach at Devil's Head, north-west to the County line, and south-east to the north-west shore of Kennebeckacis Bay, and thence crossing the said Bay to the point where the County line strikes the south-east shore of said Bay.

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

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

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

same Lots to the division line between numbers sixteen and seventeen in the back Settlements, and along that line to the rear of the Kingston Lots, and along the rear of the Kingston Lots to the Town of Sussex.

Kingston.

Altered by 35
Geo 3, c. 3 § 1,
and two new Pa-
rishes erected in
addition, viz.—
Greenwich and
Hampton.

The fourth Town or Parish to be called, known and distinguished by the name of Kingston, beginning at the point where the first described line of the Town of Westfield, strikes the north-west shore of Kennebeck-acis Bay; and bounded on the south-west by said line, on the north-west by the upper line of the County, to the commencement of the Town of Springfield, thence along the boundary of the same Town 'till it strikes the line of the Town of Sussex, at the said grant to Studholme, Baxter, and others, and thence along the boundary line of the same Town of Sussex, to the place of beginning, including Darling's Island, and Long Island.

Towns or Parish-
es in Queen's
County, viz.—
Wickham.

See 56 Geo. 3. c.
27, erecting the
Parish of Bruns-
wick.

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

The

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

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

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

VII. The said County called the County of Sunbury, shall be divided into four Towns or Parishes as follows, to wit: The first Town or Parish to be called, known and dis- Towns or Parishes in Sunbury, viz.—
Burton.

distinguished by the name of Burton, on the west side the river Saint John, bounded southerly by the lower County line, easterly by the river Saint John to the Oromocto, northerly by a line running up said River along the middle of its channel to the point of Land at its forks in Shearman's grant, thence by a line running south fifty-five degrees west, to the easterly line of Charlotte County, and westerly by Charlotte County, including Mager's and Ox Islands.

Lincoln.

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

Sheffield.

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

Magerville.

The fourth Town or Parish to be called, known and distinguished by the name of Magerville, on the east side the river Saint John, bounded southerly by said Town of Sheffield, westerly by the river Saint John,

to the lower line of York County, northerly by said County line until it meets the continuation of the easterly line of the said Town of Sheffield, running north forty-five degrees west, twenty-five miles from the river Saint John, on the continuation of Nathaniel Underhill's Lot, and easterly by the said continuation of the easterly line of the said Town of Sheffield, including Oro-mocto Island.

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

Towns or Parishes in York County, viz.—
Fredericton.

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

Kingsclear.

The third Town or Parish to be called,
known

Prince William.

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

Woodstock.

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

St. Mary's.

The fifth Town or Parish to be called, known and distinguished by the name of St. Mary's, bounded on the south-east by the lower line of the County running thereon
thirty

thirty miles, westerly and north-westerly by the river Madam Keswick, to the upper boundary line of Lands laid out for the New-York Volunteers, and by a continuation of the said line north-east into the Country, on the north-east by a line running from the upper corner of the south-east boundary line north-west, 'till it meets the north-west boundary line.

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

The seventh Town or Parish to be called, Northampton. known and distinguished by the name of Northampton, bounded on the south-east by the north-west boundary line of the Town of Queensbury, extended twelve miles into the Country, on the north-east by a line running from thence north-westerly to the mouth of a River which discharges into the river Saint John, at the upper boundary of block number seven, about two miles and a quarter above the upper end of Pine Island, on the north-west and south-west by the shore of the river Saint John.

See further 43
Geo. 3, c. 5, erect-
ing Parish of
Wakefield,
and 2 Geo. 4, c.
22, erecting Pa-
rish of Kent.

IX. The said County of Northumberland,
shall

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

See further 54
Geo. 3, c. 17
§ 1, limiting and
altering the bound-
aries of the Pa-
rish of New-Cas-
tle and Alnwick.

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

Alnwick.

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

Lines of Towns run by the magnet.

See further 54 Geo. 3, c. 17, erecting nine other Parishes in the County of Northumberland.

Shire or County Towns, viz.—
Westmorland.
See 41 Geo 3, c. 6, § 1, making
Dorchester the
Shire Town of
Westmorland.
St Andrews.
Kingston.
Gage-Town.
Burton.

X. *And be it further enacted,* That the said Town of Westmorland, in the County of Westmorland, the said Town of St. Andrews, in the County of Charlotte, the said Town of Kingston, in King's County, the said Town of Gage-Town, in Queen's County, the said Town of Burton, in the County of

of Sunbury, the said Town of Fredericton, Fredericton.
 in the County of York, and the said Town
 of New-Castle, in the County of Northum- New-Castle.
 berland, shall be for ever hereafter the Shire
 or County Towns of the said Counties re-
 spectively. *Provided*, That in the County
 of Sunbury, the Courts may be held in the
 Town of Magerville, until such time as a
 convenient Court-House and Gaol shall be
 erected in the said Town of Burton. In Sunbury, the
 Courts to be held
 at Magerville, un-
 til a Court-house
 and Gaol be erect-
 ed at Burton.

CAP. II.

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

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

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

II. *And be it further enacted,* That the said Secretary and Re-
 gister of this Pro-
 vince required to
 register Letters
 Patent and Grants
 several Grantees, their several and respec-
 tive heirs and assigns, may within the said

under the Great Seal of Nova-Scotia, or copies duly attested, &c.

term of one year, produce to the Secretary and Register, to be by him entered and registered as aforesaid, any and all such Letters Patent and Grants so made and passed as aforesaid, under the Great Seal of the said Province of Nova-Scotia, or a copy and copies of the same, duly attested and authenticated by and under the hand of the Register of the said Province of Nova-Scotia, or exemplified under the Great Seal of the same Province. And the said Secretary and Register of the Records of this Province, is hereby authorized and required to register at full length among the Records of Letters Patent and Grants of Lands made and passed under the Great Seal of this Province, all such Letters Patent and Grants made under the Great Seal of the said Province of Nova-Scotia, and such copy or copies thereof so duly attested, authenticated and exemplified as aforesaid.

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

III. *And be it further enacted*, That if any Grantee or Grantees, their several and respective heirs and assigns, shall neglect to register in manner as is herein provided, any Letter Patent, Grant or Grants, made and passed under the Great Seal of the Province of Nova-Scotia, of Lands, Tenements and Hereditaments, now situate, lying and being within this Province, for a longer term than the said space of one year, such Grantee and Grantees, their several and respective heirs and assigns, shall be forever after precluded and barred, of and from all rights, title and claim, in and to such Lands, Tenements and Hereditaments, in any such Letters

ters Patent or Grants contained, and all such Letters Patent and Grants not registered as aforesaid, within the term aforesaid, shall be vacated and cancelled, and are hereby declared to be null and void, and of no effect in Law against the King's Majesty, his heirs and successors, or against any Grantee under the Grea. Seal of this Province.

CAP. III.

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

WHEREAS by the different and secret ways of transferring, conveying and incumbering Lands, Tenements and Hereditaments, such as are ill disposed have it in their power to commit frauds, whereby persons who purchase Lands, or lend Monies on Land security, are liable to be injured in their purchases and Mortgages, and to be utterly ruined by prior and secret conveyances and fraudulent incumbrances; for preventing whereof,

I. *Be it enacted by the Governor, Council, and Assembly,* That all Deeds and Conveyances which shall hereafter be made and executed, and all Wills and Devises in writing, made or to be made and published, where the Devisor or Testatrix shall hereafter die of or concerning, and whereby any Lands, Tenements or Hereditaments in this Province, may be any way affected in Law or Equity, may be registered at full length in such manner as is hereinafter directed;

Preamble.

Deeds, Conveyances and Wills, may be registered.

Adjudged fraudulent and void against subsequent purchaser, unless registered.

and that every such Deed and Conveyance, that shall any time hereafter be made and executed, shall be adjudged fraudulent and void, against any subsequent Purchaser or Mortgagee for valuable consideration, unless such Deed and Conveyances be registered as by this Act is directed, before the registering of the Deeds or Conveyances under which such subsequent Purchaser or Mortgagee shall claim; and that every such Devise by Will shall be adjudged fraudulent and void against any subsequent Purchaser or Mortgagee for valuable consideration, unless such Will be registered at such times and in such manner as is hereinafter directed.

Registry Office erected in each County.

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

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

Registers to be sworn.

III. *And be it further enacted*, That all and every such Register and Registers, shall before he or they enter upon the execution of the said office, be sworn before two of His Majesty's Justices of the Peace *quorum unus*,

in

in the County where such Registers are respectively appointed, or before one of His Majesty's Justices of the Supreme Court of Judicature, well, truly and faithfully to execute the same office, which oath such Justices are severally empowered and required to administer.

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

Guilty of neglect, &c, to pay treble damages & costs.

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

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

which shall be allowed as evidence.

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

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

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

or by the acknowledgment of Grantor, &c.

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

Record whatsoever; and every page of such Register books, and every Deed, Conveyance and Will, which shall be entered and transcribed therein, shall be numbered, and the year and day of the month when every such Deed, Conveyance and Will are received, entered and registered, shall be entered in the said Register books; and every Register shall duly enter and register all Deeds, Conveyances and Wills, or Probate of the same, in the same order that they shall respectively come to his hands.

VI. *And be it further enacted,* That the due execution of all such Deeds and Conveyances so to be entered and registered, shall be made evident by the attestation of one or more of the subscribing witnesses thereto, who shall upon oath, or being a Quaker, on solemn affirmation before the Register or before the Supreme Court of Judicature, or before any one of the Justices of the same Court, or before some of the Inferior Courts of Common Pleas in this Province, prove the signing, sealing and delivery of such Deeds and Conveyances; or else the Grantor and Grantors, and persons so signing, sealing, and delivering such Deeds and Conveyances, shall before the said Register or before one of his Majesty's Justices of the Courts aforesaid, or before one of his Majesty's Justices of the Peace, acknowledge his or their signing, sealing and delivering such Deeds and Conveyances; and in case of Wills the same shall be proved by the attestation of one or more of the subscribing witnesses, upon oath, or being a Quaker,

upon

upon solemn affirmation, in manner aforesaid, or by due and legal probate of the same: and the said Registers respectively, and the several Courts and Justices aforesaid, are hereby empowered to administer such oaths and affirmations aforesaid, and to take the said acknowledgments as aforesaid, and shall enter a memorandum of the administering and taking the same oaths, affirmations, and acknowledgments respectively, signed with their hands respectively, upon the said Deeds, Conveyances and Wills, with the time when the same was so taken or administered. And no Deed or Conveyance, or Will, shall be entered or registered, or Certificate thereof made as aforesaid, by any Register, before such oath, affirmation or acknowledgment, or probate as aforesaid, thereof duly administered and taken as aforesaid, and a memorandum thereof so entered on the same respectively as aforesaid. And all copies of such entries and enrollments of such Deeds, Conveyances and Wills, so registered at full length, and which copies shall be signed by such Register or Registers respectively, shall be allowed in all Courts of Record to be good and sufficient evidence of such Deeds, Conveyances and Wills so registered, in case the same shall be destroyed by fire or other accident.

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

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

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

VII. *And be it further enacted,* That all Wills that shall be registered in manner as aforesaid, within the space of six months after the death of every respective Devisor or Testatrix, dying within this Province, or within the space of three years after the death

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

of every respective Devisor or Testatrix, dying upon or in parts beyond the Seas, or within the space of one year after the death of every respective Devisor or Testatrix in any other parts out of the limits of this Province, shall be as valid and effectual against subsequent purchasers, as if the same had been registered immediately after the death of such respective Devisor or Testatrix; any thing herein contained to the contrary notwithstanding.

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

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

whereby he, she or they were so disabled or hindered as aforesaid, shall be a sufficient Registry, within the meaning of this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

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

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

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

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

Here-

Hereditaments, and the Estate and possession thereof, to the Bargainee and Bargainees, Grantee and Grantees therein named, according to the intents and uses, and purposes in such Deeds and Conveyances expressed without livery or seisin, or any other Act, or Deed, or form, or ceremony whatever.

Deeds so registered, and copies thereof, good and sufficient evidence in all Courts.

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

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

XII. *And be it further enacted,* That if the Grantor or Grantors, Bargainor or Bargainors, in any Deed or Deeds, and Conveyance of Lands hereafter executed, shall live in parts beyond the Sea, or out of the limits of this Province, or shall happen to die before acknowledgment of such Deed or Deeds in the manner aforesaid, acknowledgment, certificate and proof of the execution thereof may be made as follows, that is to say, if such

such Grantor or Bargainor live within the Kingdoms of Great-Britain or Ireland, the acknowledgment of such Deed may be had and taken by and before any Judge of any of the Courts of King's Bench, or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of the Session in Scotland; and if any other part of the British dominions, by and before any Judge of the Supreme or Superior Court of Judicature, in such Colony or part of said dominions wherein such Grantor or Bargainor shall reside, and certified on the said Deed or Conveyance by and under the hand of such Judge or other person so taking the acknowledgment thereof as aforesaid, such Certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief of the Province where the same shall be made, and if in Great-Britain or Ireland, the Public Seal of some Corporation, there certifying that all faith and credit ought to be given to the attestation of the person so taking the acknowledgment thereof as aforesaid; and if the Grantor or Bargainor shall die before the acknowledgment of such Deed as aforesaid, proof of the execution thereof may be made by the oath of one or more of the subscribing witnesses thereto, before his Majesty's Supreme Court of Judicature, or any Inferior Court of Common Pleas in this Province, or before any of the Courts of King's Bench, or Common Pleas, or Exchequer, in England or Ireland, or the Court of Session
in

in Scotland, or before the Supreme or Superior Court of Judicature, in such other British Colony as aforesaid. And all such Deeds and Conveyances, so acknowledged or proved, may be registered, as by this Act is provided, and shall have all the force and effect to pass the Lands and Estate, and possession therein granted or intended to be granted, of Deeds and Conveyances executed and acknowledged according to the provisions of any other and former clauses and parts of this Act, and all such Deeds and Conveyances, and the Registries and copies thereof, certified as in this clause is provided, shall be received to be as good and sufficient evidence as any other Deeds, Conveyances, Registries, or copies in this Act mentioned.

Register's Fees.

XIII. *And be it further enacted*, That every such Register shall be allowed, for the entering and Registering of all Deeds, Conveyances, Wills, and Writings as aforesaid, the sum of two shillings and no more, in case the same do not exceed two hundred words, but if such writing shall exceed two hundred words, then after the rate and proportion of sixpence an hundred for all the words contained therein, over and above the first two hundred words: And the same fees of sixpence for every hundred words, in all Certificates, and in all copies given out of the said offices, and no more; and for every search in the said offices one shilling and no more.

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

XIV. *And be it further enacted*, That every such Register shall give due attendance at his office daily, excepting Sundays, and holidays,

holidays, for the dispatch of all business belonging to his office aforesaid, and shall as often as required, make searches concerning all Deeds, Conveyances, Wills and Writings, so entered and registered as aforesaid, and give copies and Certificates concerning the same under his hand.

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

To give security
in £300.

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

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

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

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

XVII. *And be it further enacted,* That in case of Mortgages, where any Mortgage Deed shall be registered, pursuant to this Act, if at any time afterwards a Certificate shall be brought to the said Register signed by the Mortgagee, in such Mortgage, his Executors, Administrators or Assigns, and attested by two witnesses, whereby it shall appear that all Monies due upon such Mortgage, have been paid or satisfied in discharge thereof (which witnesses shall upon their oath, before one of the Judges of his Majesty's Supreme Court of Judicature, or before the said Register, who are hereby respectively empowered to administer such oath, prove such Monies to be satisfied and paid accordingly, and that they saw such Certificate

ificate signed by the said Mortgagee, his Executors, Administrators or Assigns) that then and in every such case, the said Register shall make an entry in the margin of the said Registry book, against the registry of the said Mortgage Deed, that the same was satisfied and discharged, according to such Certificate, to which the same entry shall refer, and also to a registry and transcript at full length of the said Certificate, which shall be made in the registry books, and he shall also file such Certificate, to remain in the said Register's office. Or any such Mortgagee, his Executors, Administrators, or Assigns, having received full payment and satisfaction for all Monies due by virtue of such Mortgage, may acknowledge and cause such payment and satisfaction thereof to be entered in the margin of the said registry book, against the registry of the said Mortgage Deed, and subscribe his proper hand and name thereto, in presence of the said Register, who shall also sign his name a witness thereto, which shall for ever after be a full discharge and release of such Mortgage.

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

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

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

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

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

tively, as shall be appointed and ordained for that purpose by the Governor.

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

XX. *And be it further enacted*, That in all Deeds of Bargain and Sale, and all other Grants and Conveyances, hereafter registered in pursuance of this Act, whereby an Estate of inheritance in fee simple is limited to the Grantee or Bargainee, and his Heirs, the words *grant, bargain and sell*, shall amount to, and be construed and adjudged in all Courts of Judicature to be, express Covenants to the Bargainee or Grantee, their Heirs and Assigns respectively, from the Bargainor and Grantor, for him and themselves respectively, their several and respective Heirs, Executors and Administrators, that the Bargainor and Grantor respectively, notwithstanding any act done by him or them, was and respectively were, at the time of the execution of such Deed and Deeds, seized of the Hereditaments and Premises thereby granted, bargained and sold, of an indefeasible Estate of inheritance, in fee simple, free from all incumbrances, (rents, duties, conditions, and services due and reserved to the King only excepted) and for quiet enjoyment thereof against the Grantor and Bargainor, his and their Heirs and Assigns respectively, and all claiming under him or them, and also for further assurance thereof to be made by the Grantor and Bargainor, his and their Heirs and Assigns, and all claiming under him or them; unless the same shall be restrained and limited by express particular words contained in such Deed or Deeds; and that the Bargainee and Grantee, their

their and each of their Heirs, Executors, Administrators and Assigns respectively, shall and may, in any action or actions to be brought, assign a breach or breaches thereupon, as they might do in case such Covenants were expressly inserted in such Bargain and Sale, Deed and Conveyance aforesaid.

As to Registry of Deeds executed by Feme Covert, and the acknowledging thereof, see Index under Feme Covert—or see 27 Geo. 3, c. 9—32 Geo. 3, c. 2—and 33 Geo. 3, c. 5: And see also 52 Geo. 3, c. 20, where Grantor or Bargainor lives in any Foreign State.

CAP. IV.

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

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

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

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

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

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

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

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

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

IV. *Provided always, and be it further enacted*, That all Dissenters from the Church of England, within this Province, shall have liberty

liberty of conscience, and may erect and build Meeting-houses for Public Worship, and may choose and elect Ministers for the decent and orderly celebration of Divine Service, and administration of the Sacraments, according to their several and respective opinions.

V. Provided nevertheless, and be it further enacted, That no person whatsoever, of what persuasion or denomination soever, unless so chosen and elected, shall be permitted, suffered or allowed, to preach any Sermon or Lecture, or to officiate in the celebration of Divine Service and administration of the Sacraments, or other rites and ceremonies, in any place of Public Worship within this Province, unless he be first approved and thereunto licensed by the Governor or Commander in Chief for the time being, under his Hand and Seal, and no person whatsoever of what persuasion or denomination soever, shall be permitted, suffered or allowed, to preach any Sermon or Lecture, or to officiate in the celebration of Divine Service and administration of the Sacraments or other rites and ceremonies in any place of Public Worship unless he shall in the presence of the same Governor, or Commander in Chief, or of such person as he shall for that purpose nominate and appoint, take the usual oaths of fidelity and allegiance to his Majesty and his Successors: And that every person offending herein against the true intent and meaning of this Act, and being thereof convicted upon indictment or information in the Supreme Court, or in any

No person no
duly elected by
Dissenters, al-
lowed to preach
&c. unless licen-
sed by the Go-
vernor or Com-
mander in Chief
nor shall any per-
son be allowed to
preach, &c. un-
less he shall tak
the oaths of fide-
lity, &c.

Offenders to be
fined not exceed-
ing £100, ne-
less than £50, &
imprisoned ne-
exceeding six mo-
nths, less than thr
Months.

Court of Oyer and Terminer or Gaol Delivery in this Province, shall for each offence pay a fine to his Majesty, not exceeding the sum of one hundred pounds, nor less than fifty pounds, to be applied for the public uses of this Province and the support of the Government thereof, or suffer imprisonment for a space not exceeding six months nor less than three months, at the discretion of the Court before which the said offender shall be so convicted. *Provided*, That no person whatsoever shall, at any time be liable to the penalties mentioned in this Act, or any of them, for any offence or offences hereafter to be done or committed in any of the premises, unless he be thereof convicted as aforesaid, within six months respectively after such offence or offences shall have been committed: *And provided*, That the people called Quakers may be allowed the exercise of Public Worship in the manner they are accustomed, any thing in this Act to the contrary notwithstanding.

Conviction must be within six Months.

Quakers allowed to worship as accustomed.

CAP. V.

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

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

Be it enacted by the Governor, Council, and Assembly, That from and after the publication of this Act, all persons within this Province, of what description soever, (native Indians excepted) who shall be convicted, by

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

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

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

Penalty 3s. for each offence.

For want of effects offenders set in the Stocks.

Forfeitures applied to relief of the Poor.

Complaint within ten days.

CAP. VI.

An ACT for regulating Juries and declaring the Qualifications of Jurors.

I. **BE** it enacted by the Governor, Council, and Assembly, That no person shall

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

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

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

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

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

Notice in writing left at the dwelling house.

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

III. *Be it further enacted,* That the Sheriff in each County shall duly summon twenty-four men qualified as by this Law is directed, to serve as Grand Jurors, and twenty-four other men also duly qualified to serve as Petit Jurors, to attend at the Supreme Court of this Province, on their several Terms and at

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

Manner of empannelling Jurors in civil causes.

due to be drawn as before for trial of the cause.

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

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

Manner of forming a Jury where a view is allowed.

V. *Be it further enacted*, That where a view shall be allowed, six of the Jurors, or more (who shall be consented to on both sides or if they cannot agree shall be named by the proper officer of the Court, or if need be by a Judge, or by the Judge before whom the cause shall be brought on to trial shall have the view, and shall be first sworn, or such of them as appear on the Jury, before any drawing; and so many only shall be drawn to be added to the viewers as shall make up the number of twelve.

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

VI. *Be it further enacted*, That upon motion made in the Supreme Court in behalf of his Majesty, or on the motion of any Prosecutor or Defendant in an indictment or information, for any misdemeanor or information in the nature of a *quo warranto*, or on motion of any Plaintiff or Defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper officer for the trial of any issue in such manner as Special Juries are usually struck in the said Court, upon trials at bar. And in all cases the party who shall apply for a Special Jury shall not only

only pay the fees for striking such Jury, but shall also pay all the expences occasioned by the trial of the cause by such Special Jury, and shall not have any other allowance for the same, upon taxation of costs, than such party would be entitled unto in case the cause had been tried by a common Jury; unless the Judge before whom the cause is tried, immediately after the trial, certify in open Court under his hand, upon the back of the Record, that the same was a cause proper to be tried by a Special Jury,

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

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

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

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

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

IX. *And be it further enacted*, That every person or persons so summoned as aforesaid to serve as a Grand Juror, and who shall not appear after being openly called three times, upon oath made by the summoning

Grand and Petit Jurors to be fined for non-appearance when called.

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

Amount of fines
not to exceed £3.

Provided always, That the amount of the said fines to be levied on each Juryman for the several defaults at one Term, shall not exceed the sum of three pounds.

See further 31 Geo. 3, c. 6, and 45 Geo. 3, c. 9.

CAP. VII.

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

Repealed by 29th Geo. 3, c. 2.

CAP. VIII.

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

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

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

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

Attornies of the Supreme Court may practice in Inferior Courts.

See further 4 Geo. 4, c. 18.

CAP. IX.

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

Obsolete.

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.

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

Preamble.

Saint

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 returned, if required, 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 monthly terms or days of trial and no oftener, 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, consisting of twelve Jurors as heretofore ordained.

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

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.

Term of imprisonment limited by the presiding justice.

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 confinement,

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

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.

Places of Courts sitting, appointed by presiding Justice.

Judgment valid and final, want of form notwithstanding.

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.

Clerk not to depute his judicial power.

This Act was Repealed by 35 Geo. 3, c. 1, § 18, but that Act having Expired, this is again of course Revived.

See 50 Geo. 3, c. 17.

CAP. XI.

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

I. *BE it enacted by the Governor, Council, and Assembly*, That all devises and bequests of any Lands or Tenements devisable

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

sable by Law, shall be in writing, and signed by the party so devising the same, or by some other person in his or her presence, and by his or her express direction, and shall be attested and subscribed in the presence of the Devisor by three or more credible witnesses, or else they shall be utterly void and of none effect.

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

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

Nuncupative Wills, how proved.

III. *And be it enacted*, That nuncupative Will shall be good, where the Estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oath of three witnesses (at the least) that were present at the making thereof, nor unless it be proved that the Testator, at the time of pronouncing the same, did bid the persons present, or some of them bear witness that such was his Will, or to to that effect; nor unless such nuncupative Will was made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she hath been resident for the term of ten days or more next before the making of such Will, except where such person was surprised or taken sick, being from his or her own house, and died

died before he or she returned to the place of his or her dwelling.

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

Noncupative Wills committed to writing in six days.

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

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

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

Repeal, &c. of Wills concerning personal Estate, committed to writing.

This Act not to extend to Soldiers or Seamen.

Jurisdiction of
Governor or
Commander in
Chief not altered.

personal Estates vested in the Governor or Commander in Chief for the time being, who shall retain the same right and power as they had before in every respect, subject nevertheless to the rules and directions of this Act.

Executors to
prove and register
Wills under pe-
nalty of £5 for
every Month's
neglect.

VII. *And be it enacted*, That if any Executor or Executors of the Will of any person deceased, knowing of their being so named and appointed, shall not within the term of thirty days next after the decease of the Testator, cause such Will to be proved and recorded in the Register's office of the same County where the deceased person last dwelt, or present the said Will and declare his or their refusal of the Executorship: every Executor so neglecting his or her trust and duty in that behalf (without just excuse made for such delay) shall forfeit unto his Majesty the sum of five pounds every month, from and after the expiration of the said thirty days, until he or they shall cause probate of such Will to be made or present the same as aforesaid: every such forfeiture to be had and recovered by action of debt in the Inferior Court of Common Pleas, in the same County, at the suit of any of the Heirs, Legatees, or Creditors, or in the Supreme Court by information of his Majesty's Attorney General, for the public uses of the Province and the support of the Government thereof.

Like penalty for
suppressing
Wills.

VIII. *And be it enacted*, That if any person or persons shall be found guilty of suppressing any last Will and Testament, such person or persons shall be subject and liable
to

to the same penalty as by this Act is prescribed for persons neglecting to prove any last Will and Testament.

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

Legacies to be sued for at common Law.

X. *And be it enacted*, That henceforth every Executor named in any Will, taking upon him that charge, by proving such Will within the space of three months next after probate thereof, (or at such further and longer time, as the Judge of probate shall see meet to allow the circumstances of any Estate requiring the same) shall exhibit into the Register's office aforesaid, upon oath, a full and true inventory of the whole Estate of the deceased so far as is then come to his hands and knowledge; and shall add thereto what and so much as may further afterwards appear, on pain of forfeiting five pounds for every month's neglect thereof, afterward as is by Law provided for not presenting a Will, and to be recovered in like manner.

Executors to exhibit an inventory.

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

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

Legatee or residuary Legatee shall have like remedy against the Executors.

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

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

Portions advanced to be deducted.

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

XIII. *And be it enacted*, That upon due application within thirty days after the death of any Intestate the said Judge of Probate shall grant Letters of Administration as is by Law directed; and in case the persons so by Law entitled shall neglect to apply within the said thirty days, after first citing such person or persons, and their refusal to accept the same, such Judge of Probate shall grant Administration to one or more of the principal Creditors or to such person or persons as he shall judge fit; and he shall in all cases take sufficient Bonds with two able sureties, respect being had to the value of the Estate; and shall and may proceed to call

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

Debts and Funeral expences deducted before distribution.

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

Distribution of personal Estate of persons dying Intestate.

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

amongst the Children : and in case there be no Child, then the next of kindred in equal degree of or unto the Intestate, and their legal representatives as aforesaid, and in no other manner whatsoever. *Provided*, That if after the death of the Father any of his Children shall die Intestate without Wife or Children, in the life time of the Mother, every Brother and Sister and their representatives shall have equal share with her.

XV. *Provided also, and be it likewise enacted*, To the end that a due regard be had to Creditors, that no such distribution of the goods of any person dying Intestate be made till after one year be fully expired after the Intestate's death, except by special order of the Judge of Probate, and that such and every one to whom any distribution and share shall be allotted, shall give Bond with sufficient sureties in the said Courts, that if any debt or debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear ; that then and in every such case he or she shall respectively refund and pay back to the Administrator his or her rateable part of that debt or debts, and of the costs of suit and charges of the Administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said debt or debts so discovered after the distribution made as aforesaid.

XVI. *Provided always*, That in all cases where the Judge of Probates has used heretofore to grant Administration *cum testamento*

No distribution of goods of persons dying Intestate 'till after one year, unless by order of Judge of Probate, and then Bond to be given to refund in case of Debts afterwards found due and costs of suit, if any.

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

annexo. he shall continue so to do, and the Will of the deceased in such Testament expressed shall be performed and observed in such manner as it should have been if this Act had never been made.

This Act not to extend to feme covert's.

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

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

XVIII. *And be it further enacted,* That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary for an Executor or Administrator to make sale of any part of the real Estate of the deceased, for the payment of any debts or legacies, such Executor or Administrator shall apply to the Governor or Commander in Chief for the time being, and his Majesty's Council of this Province, who are hereby authorized and empowered to take cognizance thereof, and to grant a licence for the sale of such part of such real Estate, as may be most convenient for the payment of such debts or legacies, and before any sale be made of any real Estate, the Executor or Administrator, shall give thirty days public notice, by posting up notifications in the most public places in the Town where the deceased person last dwelt, and in the public prints, if any such there be, and whoever will give most shall have the preference in such sale. And in case

case the Estate of such Intestate shall be Insolvent, the Executor or Administrator shall make like application to the Governor or Commander in Chief for the time being, and his Majesty's Council for an inquiry, and for the appointment of Commissioners to inquire into such Insolvency, and to examine and settle the claims of all Creditors, and the amount of the Estate of such Insolvent, and to authorize such Executor or Administrator to sell all the Lands and Tenements of such Insolvent, and to divide the produce of the whole of such Estate, in due proportion to and among the Creditors.

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

Executors, &c.
to give Bond before the Sale of
real Estate.

CAP. XII.

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

WHEREAS it is highly reasonable and just that the real Estate of every person or persons in this Province, should be subject to the payment of his, her or their debts

Preamble.

debts due to all and every of his, her or their Creditors, wheresoever resident.

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

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

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

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

III. *And*

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

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

See further as to notice to be given and place of sale, 4th Geo. 4. c. 19.

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

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

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

V. *And be it further enacted,* That when any Houses, Lands, real Estate or Hereditaments shall be sold in manner aforesaid, the Sheriff or other officer that sold the same, shall in his own name make unto the purchaser thereof, as good and sufficient a convey-

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

vey-

veyance for the Houses, Lands, real Estate or Hereditaments purchased as aforesaid, as the owner of such Houses, Land, real Estate or Hereditaments might or could have thereof made at or before the time of the judgment therein reciting the execution or executions, or other process requiring such sale to be made, by virtue whereof the premises were sold as aforesaid, by which Deed the purchaser or purchasers shall be and are hereby declared to be vested in as good and perfect an Estate as the owner of such Houses, Lands, real Estate or Hereditaments was seized of or entitled unto, at or before the said Judgment, and as fully to all intents and purposes, as if the person against whom such Writ of execution shall be granted had sold such Lands and premises to such purchaser or purchasers, and signed, sealed and delivered a good Deed for the same, and received the consideration money himself.

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

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

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

VII. *And be it enacted,* That no process against real Estates shall issue until one of the Judges of the Supreme Court shall have inspected the record of the judgment, and thereon certified that he has inspected the same, and no error is therein apparent to him, and

and in like manner one of the said Judges shall inspect the process to be issued, and certify thereon as aforesaid; and the said judgment and process with such Certificates shall be recorded in a book by the Clerk of the Supreme Court to be kept for that purpose, before sending such process to any Sheriff or other officer or officers.

Judgment and certificate recorded by Clerk of Supreme Court.

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

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

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

Record in Clerk's book good evidence.

X. And in the case where sundry executions or other Processes have issued, requiring the sale of real Estate and sufficient cannot be levied of the personal and real Estate, to satisfy all the sums commanded to be levied.

The same priority on executions against real as personal Estates.

vided. *Be it enacted*, That such priority and preference as the Law gives in the case of executions against personal Estate only shall be given in the case aforesaid, and all disputes on that head shall thereby be regulated, adjudged and determined.

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

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

See Amendment 4 Geo. 4, c. 19.

CAP. XIII.

An ACT for Relief against Absconding Debtors.

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

I. **BE** it enacted by the Governor, Council, and Assembly, That from and after the passing of this Act, whensoever it shall happen, that any person or persons whatsoever, being indebted within this Province, shall either secretly depart the Province, or keep concealed within the same, any one Creditor or joint company whose debt or demand is due to them jointly to whom such abscond-

absconding or concealed person or persons is or are indebted in the sum of Twenty Pounds or upwards, or any Two to whom he, she or they is or are indebted in the sum of Thirty Pounds or upwards, or any Three to whom he, she or they is or are indebted in the sum of Forty Pounds or upwards over and above all discounts may make application to the Judges of the Supreme Court of this Province for the time being, or any of them, and there make affidavit or affirmation in writing in cases where by Law an affirmation is allowed, that the said absconding or concealed person or persons is or are indebted to him, her or them, in the sum of

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

Warrant for the attachment of the Estate of such Debtors.

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

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

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

such public notice given, all his, her or their Estates real and personal, will be sold for the payment and satisfaction of his, her or their Creditors.

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

Perishable goods to be attached and sold immediately.

IV. *And be it further enacted,* That if any Sheriff or Sheriffs shall by virtue of any Warrant or Warrants to be issued in pursuance of this Act, thro' ignorance or want of proper information seize and take any goods, chattels or effects which shall or may be claimed or challenged by any person or persons as his or their property, it shall and may be lawful for such Sheriff thereupon to summon and swear a Jury to inquire into and try the right and property thereof, and if such Jury shall upon such inquest find the right and property of such goods, chattels or effects to be in the person or persons so claiming the same, or in any other than the person or persons against whose effects or

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

Estate

Estate such Warrant or Warrants did issue; such Sheriff shall forthwith after such inquisition had and taken deliver such goods, chattels and effects to the person or persons in whom the property thereof shall be so found, or to his, her or their Agent, Attorney or Assigns, and such Sheriff shall not be liable to any suit or prosecution; for his having seized and taken such goods, chattels or effects so seized and taken through ignorance or for want of proper information; and all reasonable charges arising by the sale of such perishable goods or by such inquest as aforesaid, shall be allowed and certified by the Judge or Judges who issued such Warrant and paid out of the effects or Estate of the absconding or concealed person or persons against whose Estate and effects such Warrant issued if the property of such goods, chattels or effects so claimed shall by such inquisition be found to be in any other than the person or persons against whose Estate or effects such Warrant issued; but if the property of the goods, chattels or effects so claimed shall by such inquisition be found to be in the person or persons against whose Estate or effects the Warrant of Attachment which caused them to be seized did issue, then all costs, charges and expences accrued or arising by such claim and inquisition or either of them, shall be paid and borne by the person or persons who claimed the same from the Sheriff or applied for inquisition to be had or occasioned the same to be had and taken.

V. *And be it further enacted,* That if any
per-

person or persons indebted to any such absconding or concealed person or persons or having the custody or possession of any effects or other thing or things whatsoever of any such absconding or concealed person or persons shall after such first public notice as aforesaid given, pay any debt or demand or deliver any such effects or other thing or things whatsoever to any such absconding or concealed person or persons or his, her or their Attorney, Agents, Factors or Assigns the person or persons so paying any such debt or demand, or delivering such effects or other thing or things whatsoever shall be deemed to have paid the same fraudulently and is and are hereby made liable to answer the same or the amount or the value thereof to such Trustees or the survivor of them as shall by virtue of this Act be appointed to receive and distribute the Estate and effects of such absconding or concealed person or persons, towards the payment and satisfaction of his, her or their Creditors. And if any person or persons indebted to, or having the custody or possession of any effects or other thing or things whatsoever of any absconding or concealed debtor or debtors, shall after such public notice as aforesaid given, be sued by him or them, or by his, her or their order, Attorney or procurement, for any such debt or debts, duty, demand, effects or thing, he, she or they so sued, may plead the general issue and give this Act and the special matter in evidence.

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

VI. *And be it further enacted,* That all Sales and Conveyances of his, her or their

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

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

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

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

obtained such Warrant or Warrants of Attachment, a Bond with good and sufficient security to be approved of by the said Judge or Judges; if in the Supreme Court in the sum of Forty pounds, if in any of the Inferior Courts in the sum of Twenty pounds, binding the obligors jointly and severally with a condition that if such person or persons by name against whose Estate or effects such Warrant or Warrants issued, do not prove to the said Court at the then next Court that he, she or they is or are resident in this Province and were not at the time such Warrant or Warrants issued, nor within thirty days preceding the issuing thereof, nor at any time after and is or are not then absconding or concealed, then such Bond or Obligation to be void, otherwise to remain in full force and virtue; then and in every such case the Judge or Judges, who issued such Warrant or Warrants shall report his or their proceedings in the premises to the next Court whereof he or they is or are Judge or Judges, which Court is hereby fully authorized and empowered to compel the parties and their witnesses to come into Court and hear the proofs and allegations of the parties and their witnesses in a summary way, and thereupon to determine whether the matter and things in such petition have been fully proved and supported, and if such Court shall adjudge and determine that the matters and things contained in such petition have been fully and satisfactorily proved and supported, then such Court shall grant a *supersedeas* to such Warrant or

Warrants and the person or persons against whose Estate or effects such Warrant or Warrants did issue shall recover his, her or their costs (to be taxed by the said Court, in open Court) of the Creditor or Creditors who procured such Warrant or Warrants of Attachment to be issued: but if the said Court shall adjudge and determine that the matters and things in such petition mentioned have not been fully and satisfactorily proved and supported to the said Court, then the person or persons to whom such Bond as aforesaid shall have been given, his, her or their Executors or Administrators shall recover the penalty or sum of such Bond, together with costs of suit, by action of debt, bill, plaint or otherwise, in any Court of Record within this Province, the one moiety of such penalty or sum to the use of the obligee or obligees, his, her or their Executors, Administrators or Assigns, and the other moiety thereof when recovered and received, to be paid to such Trustees or the survivor of them, as shall be appointed to manage and distribute the Estate and effects for seizing whereof such Warrant or Warrants issued, to be by such Trustees or the survivor of them, disposed of and distributed in like manner as all other monies that may come to their hands by virtue of their appointment as Trustees is directed to be disposed of by virtue of this Act.

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

VIII. *And be it further enacted,* That if such absconding or concealed person or persons do not return within three months next after such public notice as aforesaid given

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

Oath or affirmation
of Trustees.

See amendment
4 Geo. 4. c. 14.

IX. *And be it further enacted*, That the said Trustees or any two of them, when so as aforesaid appointed, shall as soon as may be thereafter, cause public notice to be given in the Royal Gazette, published by the King's Printer in this Province, of such their

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

appointment, and thereby require all persons indebted to such absconding or concealed person or persons by a day certain to be appointed by them in their said notice, to pay all such sum or sums of money or other debt, duty or thing which they owe to the said absconding or concealed person or persons, and deliver all other effects of such absconding or concealed person or persons, which he, she or they may have in their hands, power or custody, to them the said Trustees; and that the said Trustees, shall also by public advertisement in the said news-paper, desire all the Creditors of such absconding or concealed person or persons, by a certain time in such advertisement to be mentioned, to deliver to the said Trustees, or any one or more of them, their respective accounts and demands against such absconding or concealed debtor or debtors.

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

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

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

to; and such Trustees immediately from their appointment shall be and hereby are declared to be vested with all the Estate real and personal of such absconding or concealed person or persons for the management of whose Estate they were appointed, and they and the survivors and survivor of them, is and hereby are enabled and made capable to sue for, recover and receive all such Estate and Estates, as well real as personal, debts, dues, effects or other thing or things whatsoever, which they shall find due, payable or belonging to such absconding or concealed person or persons; and such Sheriff or Sheriffs as shall have seized, attached or taken any Estate or Estates real or personal or any other matter or thing whatsoever, by virtue of any such Warrant or Warrants as aforesaid, shall deliver the same to such Trustees or one of them; and such Trustees and the survivor and survivors of them is and are hereby authorized and directed to make sale by Public Vendue of all such Estates and effects of such absconding or concealed person or persons as shall come to their hands (after fourteen days notice of each time and place of sale respectively) and of all Estate and interest which such absconding or concealed person or persons had in the same, and Deed, Releases, Bills of Sale or other Conveyances for the same or any part or parts thereof, from time to time to make and execute, which being so made and executed, by them or any two of them, or the survivor of them, for such Estates or effects or any part or parts there-

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

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

of, shall be and are hereby declared to be as good, valid and effectual to transfer the property thereof to all intents, constructions and purposes whatsoever, as if executed by the said absconding or secreted person or persons before such first public notice as aforesaid given, and shall be good, valid and effectual in Law, to all intents and purposes whatsoever, against the said absconding or concealed person or persons, his, her or their Heirs, Executors, Administrators and Assigns, and all persons claiming under them or any of them, by virtue of any Act, Deed, matter or thing, after such first public notice as aforesaid given.

Persons concealing effects or Debts, to forfeit double the value or sum due.

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

examine upon oath, touching the premises and to commit them or either of them if they refuse to be so examined, or being so examined, refusing to answer fully and satisfactorily to such Court.

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

False swearing to be deemed wilful perjury.

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

Persons discovering secreted effects, intitled to 10 per cent. on the value thereof.

XIV. *And be it further enacted,* That the Trustees of any absconding or concealed debtor's Estate, hereafter to be appointed in pursuance of this Act, or any two of them, are hereby fully empowered to settle and adjust all matters, contracts and accounts that may be subsisting between such absconding or concealed person or persons, and his, her or their debtor or debtors, and also

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

also between such absconding or concealed person or persons, and his, her or their Creditor or Creditors, and to examine any person or persons upon oath, concerning any matters, accounts or settlements between them or either of them, which oath the said Trustees or any one of them, two of them being present, is and are hereby empowered to administer.

Trustees empowered to settle controversies by referees.

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

Mode of appointing referees.

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

XVI. *And be it further enacted, That all* Duty of Trustees.
Trustees hereafter to be appointed by virtue of this Act, shall proceed to convert the Estate or Estates real and personal of such absconding or concealed debtor or debtors, for the management of which Estates respectively they shall be appointed, into money and collect the debts due to the same, and that the said Trustees or any two of them, or the survivors or survivor of them, shall

shall cause public notice to be given in the public news-paper before mentioned, requesting a general meeting of all such Creditors as shall chuse to attend, to examine and see the debts due to each person ascertained at a certain time and place by such Trustees in their said notice to be appointed, which shall not be less than two nor more than three months after such notice given, nor more than one year and a half from the time of their first appointment, at which meeting or at other subsequent meetings to be continued by adjournment if necessary, when all accounts are fairly stated and adjusted, they shall proceed to make a distribution or division among the Creditors in proportion to their respective just demands, of all such monies as shall have come to their hands as Trustees of such Estate or effects (of which all forfeitures by them recovered and received by virtue of this Act, shall be considered as a part) first deducting thereout all legal charges and commissions; in which payment no preference shall be allowed to debts due on specialties; and if the whole of such absconding or concealed debtor or debtors' Estate shall not be then settled and distributed, such Trustees or any two of them, or the survivors or survivor of them, shall within the space of one year thereafter make a second dividend of all such monies as shall have come to his or their hands after the first division, and so from year to year until a final settlement thereof; and a just and equal distribution of such Estate or effects shall have been made amongst

mongst the Creditor or Creditors of such absconding or concealed debtor or debtors in proportion to their respective just demands; and if any surplus shall remain after all just debts and legal charges and commissions are fully paid and satisfied, such surplus shall be paid or delivered to the said absconding or concealed person or persons, his, her or their Executors, Administrators or Assigns.

XVII. *And be it further enacted,* That any person or persons who may have given credit to any such absconding or concealed debtor or debtors on a valuable consideration, for any sum of money which shall not be due or payable at the time of any such division or distribution as aforesaid, but will become due or payable at some time after; shall and may nevertheless be admitted and considered as a Creditor or Creditors whose debts were then due, and shall receive a dividend of the Estate of such absconding or concealed debtor or debtors in the same proportion as other Creditors, deducting thereout only a rebate of legal interest for what shall be received on such debt or debts to be computed from the actual payment thereof to the time such debt or demand respectively would have become due.

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

XVIII. *And be it further enacted,* That if any Creditor or Creditors shall neglect or refuse to give notice of or deliver unto the said Trustees an account of his, her or their debt or demand, or having any controversy relating to or concerning the Estate of such absconding or concealed debtor or debtors, shall

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

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

Creditors out of this Province authorized to act by Attornies.

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

curing or recovering their respective debts from such absconding or concealed debtor or debtors if such Creditor or Creditors was or were personally present.

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

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

XXI. *And be it further enacted,* That the Judge or Judges who shall issue any Warrant or Warrants of Attachment in pursuance of this Act, shall make report to the Court whereof he or they is or are Judge or Judges of the proof of the debt or demand made by the Creditor or Creditors on whose application such Warrant or Warrants issued, of the issuing of such Warrant or Warrants,

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

rants, of the notice thereon ordered, of the publication of such notice, of the appointment of Trustees and of all other matters required of him or them by this Act to be done out of Court, and cause that report to be entered in the minutes of the said Court to be evidence of the facts so reported, and such report or the record or entry thereof in the minutes of the said Court shall be full and conclusive evidence of the facts so reported in all Courts of Record within this Province.

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

XXII. *And be it further enacted,* That the Judge or Judges who shall make any such appointment of Trustees, shall and is and are hereby required at the request of the Trustees thereby appointed, or any one of them, to endorse on such appointment an allowance that the same may be recorded, which allowance signed by the said Judges or any one of them, if a Judge of the Supreme Court, shall be a sufficient Warrant and authority to the Secretary of this Province, and all or any of the Clerks of the respective Cities or Counties within this Province, to record the same. And if such Judge be a Judge of an Inferior Court of Common Pleas, shall be a sufficient Warrant and authority to the Clerk of the County whereof he is a Judge, to record the same; and any appointment of Trustees under the hand and seal, or hands and seals of any Judge or Judges authorized to put this Act in execution, or the record thereof duly made in the said Secretary's office or in the office of the Clerk of any City or County of this

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

this Province, shall be full and conclusive proof in all Courts and places within this Province, that the person or persons against whose Estate or effect such Warrant or Warrants issued, was or were at the time of issuing thereof absconding or concealed debtor or debtors within the meaning of this Act, and that the said appointment and the proceedings previous thereto were regular and according to the directions of this Act.

XXIII. *And be it further enacted*, That any Judge or Judges who shall issue such Warrant or Warrants of Attachment as aforesaid, pursuant to this Act, shall, and he or they is and are hereby required and directed to cause the affidavits or affirmations of the Creditor or Creditors made before him or them previous to the issuing of such Warrant or Warrants respectively within thirty days after the taking of such affidavit or affirmation, and such Warrant or Warrants of Attachment as aforesaid, within thirty days after the return thereof by such Sheriff as shall return the same, together with the Sheriff's return thereof, to be delivered into the office of the Clerk of that Court, whereof he or they is or are Judge or Judges, which Clerk is hereby required and commanded to mark or cause them to be marked respectively with the day and year on which each of them respectively shall be filed in his office, and to preserve the same amongst the papers filed in such office. And all Trustees hereafter to be appointed by virtue of this Act, or the survivors or survivor of them, who by virtue of such appointment shall sell and

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

Trustees selling real Estate to prove and record their appointment.

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

convey any Messuages, Lands, Tenements or Hereditaments, shall cause such appointment of Trustees to be duly proved or acknowledged and allowed, so that the same may be recorded, and shall cause the same to be entered of record either in the Secretary's office of this Province, or in the office of the Clerk of the City or County wherein such Messuages, Lands, Tenements or Hereditaments do lie. And every appointment of Trustees hereafter to be made in pursuance of this Act or the record thereof made by such proper officer as aforesaid, or an office copy thereof attested by any such proper officer as aforesaid, in case such record should have perished by fire or other accident, together with a legal title or conveyance from such Trustees or any two of them, or the survivors or survivor of them proved or to be proved in due form as by Law required, shall be a full, complete and perfect title for such Messuages, Lands, Tenements or Hereditaments, to such purchaser or purchasers, his, her or their Heirs and Assigns, against such absconding or concealed debtor or debtors, his, her or their Heirs or Assigns, and all other persons claiming or to claim by, from or under him, her or them, by virtue of any Act, Deed, matter or thing, after such first public notice as aforesaid given.

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

XXIV. *And be it further enacted,* That such Trustees as shall hereafter be appointed by virtue of this Act, shall keep a regular book or regular books of account of all such monies as shall come to their hands by reason

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

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

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

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

XXV. *And be it further enacted,* That if any person or persons shall be sued for any matter or thing done in pursuance or by virtue of this Act, it shall and may be lawful for him, her or them, to plead the general

Special matter given in evidence under general issue.

Continuance of
the Act.

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

Continued to 1st March, 1808, by 38 Geo. 3, c. 1, and 49 Geo. 3, c. 8, and made perpetual by 47 Geo. 3, c. 15. See also 28 Geo. 3, c. 2—Act in Addition. See also both made Perpetual 47 Geo. 3, c. 15. See Amendment 4 Geo. 4, c. 14.

CAP. XIV.

An ACT for prevention of Frauds and Perjuries.

Preamble.

FOR prevention of many fraudulent practices which are commonly endeavoured to be upheld by perjury and subornation of perjury:

Leases, &c. or
uncertain inter-
est in Messuages,
&c. created by

I. Be it enacted by the Governor, Council, and Assembly, That all Leases, Estates, Interests of Freeholds, or terms of years, or any

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

livery and seisin only, and not in writing, shall have the effect of Estates at will only.

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

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

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

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

IV. *And be it further enacted,* That no action shall be brought whereby to charge any Executor or Administrator upon any special promise, to answer damages out of

No action to be brought on special promise of Executors or Administrators; on promise to an-

answer debt of another; on sale of Lands, &c. on agreement not to be performed in one year, or promise of marriage, unless in writing.

his own Estate; or whereby to charge the Defendant upon any special promise to answer for the debt, default or miscarriages of another person; or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of Lands, Tenements or Hereditaments, or any Interest in or concerning them; or upon any agreement that is not to be performed within the space of one year from the making thereof; unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized.

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

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

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

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

VII. *And*

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

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

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

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

If *cestui que trust* die, living a trust in fee simple,

such trust shall
be deem'd assets
by descent.

scend to his heir, then and in every such case such trust shall be deemed and taken, and is hereby declared to be assets by descent, and the heir shall be liable to and chargeable with the obligation of his ancestors for and by reason of such assets, as fully and amply as he might or ought to have been, if the Estate in Law had descended to him in possession in like manner as the trust descended; any Law, custom or usage to the contrary notwithstanding.

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

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

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

X. And for the amendment of the Law in the particulars following; *Be it further enacted,* That from henceforth any Estate *pur auter vie*, shall be deviseable by a Will in writing, signed by the party so devising the same, or by some other person in his presence and by his express directions, attested and subscribed in the presence of the
Devisor.

Devisor by three or more witnesses; and if no such devise thereof be made, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of a special occupancy, as assets by descent, as in case of Lands in fee simple; and in case there be no special occupant thereof, it shall go to the Executors or Administrators of the party that had the Estate thereof by virtue of the grant, and shall be assets in their hands.

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

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

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

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

XIII. *And be it further enacted*, That no Writ of *feri facias* or other Writ of execution, shall bind the property of the goods against whom such Writ of execution is sued forth, but from the time that such Writ shall be delivered to the Sheriff, Under-Sheriff or

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

Coro-

Coroners, to be executed; and for the better manifestation of the said time, the Sheriff, Under-Sheriff and Coroners, their Deputies and Agents, shall upon the receipt of any such Writ, (without fee for doing the same) endorse upon the back thereof, the day of the month and year whereon he or they receive the same.

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

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

Recognizances not to bind Lands, &c. but from the time of enrollment.

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

CAP. XV.

An ACT for the Regulating Weights and Measures,

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

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

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

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

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

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

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

CAP. XVI.

An ACT for establishing a Tender in all Payments to be made in this Province.

Preamble.

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

Be it enacted by the Governour, Council, and Assembly, That an English Guinea shall pass current and be received for twenty-three shillings and four pence, and a silver English or French Crown piece for five shillings and six pence, and all other English gold and silver coin in the like proportion, and that Spanish mill'd Dollars shall pass current and be

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

be received for five shillings each, and a half Joannes for forty shillings, in all payments to be made within this Province.

See further 45 Geo. 3, c. 4.

CAP. XVII.

An ACT for Establishing the Rate of Interest.

I. **B**E it enacted by the Governor, Council, and Assembly, That no person or

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

persons whatsoever, upon any contract which may be made, shall directly or indirectly accept or receive for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of six pounds for the forbearance of one hundred pounds for the term of one year, and so after that rate for a greater or less sum, or for a longer or shorter time; and that all Bonds, Contracts, Obligations and Assurances whatsoever, for payment of any principal or money, to be lent, or covenanted to be performed, whereupon, or whereby there shall be reserved, taken, or received above the rate of six pounds for one hundred pounds as aforesaid, shall be utterly void; and that all and every person or persons whatsoever, who shall upon any Contract, Bond, Obligation or Assurance to be made, take, accept or receive by way or means of any corrupt bargain, loan, exchange, shift or transfer of any wares, merchandize, or other thing or things whatsoever, by covin, or by any deceitful way or mean whatsoever, for the forbearing, or giving day of payment, beyond one whole year, of and for their money,

Bonds, &c. securing more than 6 per cent. interest to be void.

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

ney, wares, merchandize or other things, above the sum of six pounds for the forbearing of one hundred pounds for one year, and so after that rate, for a greater or less sum, or for a longer or shorter time, shall forfeit and pay for every such offence, the full value of the principal sum or sums of money, wares, merchandize or other things so lent, bargained, exchanged or shifted; together with all interest, and other emoluments accruing thereon; one moiety thereof to be to the King's most Excellent Majesty, his Heirs and Successors, for the public use of this Province and the support of the government thereof; and the other half or moiety to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information in the Supreme Court or in any of his Majesty's Courts of Record in the County where the offence shall be committed. *Provided*, That nothing in this Act shall extend, or be construed to extend to, or affect any specialty, obligation, instrument or agreement in writing, that shall be made, entered into or executed for any money lent, or advanced upon the bottom of any ship or vessel; or to prevent the full recovery of damages on protested Bills as by Law established; or against the recovery of any penalty incurred or forfeited by the non-fulfilling of any contract or agreement entered into for the performance of certain things and conditions where the penalty thereby expressed becomes mutually binding, any thing to the contrary notwithstanding.

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

II. *And be it further enacted*, That all pro-
secu-

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

Prosecutions under this Act to be commenced within Twelve Months.

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

CAP. XVIII.

An ACT for Preventing the Multiplicity of Law Suits.

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

Preamble.

I. *Be it enacted by the Governor, Council, and Assembly*, That where there are mutual debts between the Plaintiff and Defendant in any Court of Record in this Province, or if either party sue or be sued as Executor or Administrator, where there are mutual debts between the Testator or Intestate and either party, one debt may be set against the other, and such matter may be given in evidence upon the general issue or pleading in bar, as the nature of the case shall require, so as at the time of his pleading the general issue,

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

issue, where any such debt of the Plaintiff, his Testator or Intestate is intended to be insisted on in evidence, notice shall be given of the particular sum or debt so intended to be insisted on and upon what occasion it became due or otherwise, such matter shall not be allowed in evidence upon such general issue.

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

II. *And be it further enacted,* That by virtue of this Act, mutual debts may be set against each other, either by being pleaded in bar or given in evidence on the general issue, in the manner herein before mentioned, notwithstanding that such debts are deemed in Law to be of a different nature, unless in cases where either of the said debts shall accrue by reason of a penalty contained in any Bond or specialty, and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same, hath accrued, or shall accrue by reason of any such penalty, the debt intended to be set off shall be pleaded in bar, in which plea shall be shewn how much is truly and justly due on either side, and in case the Plaintiff shall recover in any such action or suit, judgment shall be entered for no more than shall appear to be truly and justly due to the Plaintiff, after one debt being set against the other as aforesaid. And if upon trial of the issue between the parties, the Plaintiff shall become nonsuit, or the Jury shall not assess damages to the Plaintiff over and above the debt, or sum of which notice of set off shall have been given as aforesaid, then the Plaintiff

Costs paid by Plaintiff if balance found for Defendant.

tiff shall have no costs, but shall pay to the Defendant or his Attorney costs to be taxed: And if upon such trial, it shall appear to the Jury that the Plaintiff is over-paid, then they shall find a verdict for the Defendant, and therewith certify to the Court how much they find the Plaintiff to be indebted or in arrear to the Defendant more than will answer the debt or sum to set-off, and found due by the same verdict, and the sum or sums so certified shall be recorded with the verdict, and shall be deemed as a debt of Record, and if the Plaintiff refuse to pay the same, the Defendant for the recovery thereof, shall have execution for the same, together with the costs of the said action, any Law, usage or custom to the contrary in any-wise notwithstanding.

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

CAP. XIX.

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

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

People called Quakers to make affirmation instead of oath.

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

Form of affirmation.

Which solemn affirmation shall and is hereby declared to be of the same force and effect in all cases where by Law an oath shall

be required, as if such Quaker had taken an oath in the usual form.

False affirmation punished as perjury.

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

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

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

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

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

CAP. XX.

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

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

Depositions of witnesses who shall be infirm, aged, unable to travel or obliged to leave the Province, taken by a Judge after declaration filed and the adverse

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

party having been notified shall be received as evidence.

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

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

Proof on oath of notice to adverse party.

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

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

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

Exceptions to the credit of Deponents reserved.

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

Quakers to make affirmation instead of oath.

False swearing
punished as per-
jury.

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

See further 31 Geo. 3, c. 10.

CAP. XXI.

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

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

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

CAP. XXII.

An ACT for ascertaining Damages on Protested Bills of Exchange.

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

I. **B**E it enacted by the Governor, Council, and Assembly, That from and after the first day of April, one thousand seven hundred and eighty-six, all Bills of Exchange drawn from and after said time by persons residing within this Province, upon persons in Europe, that may be sent back protested, shall be subject to ten per cent. damages, toge-

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

II. *And be it further enacted*, That all Bills of Exchange drawn by persons residing within this Province after said time, on persons in any part of America and the West-Indies, and sent back protested, shall be subject to five per cent.* damages, together with the accustomed charge of protest and postage, and also six per cent. per annum interest on the amount of principal damages and charges, to commence from the date of the protest for non-payment, and continue till the same is paid.

Protested Bills on America and West-Indies subject to five per cent damages, &c. * Increased to ten per cent. on Bills drawn on the West-Indies-

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

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

See further 34 Geo. 3, c. 6.

CAP. XXIII.

An ACT for giving the like Remedy upon Promissory Notes as on Inland Bills of Exchange,

BE it enacted by the Governor, Council, and Assembly, That all Notes in writing for any sum of money, payable to order or bearer, shall be assignable and endorseable

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

over,

over, in the same manner as Inland Bills of Exchange are by the custom of merchants; and that any person or persons to whom, or to whose order, such Note shall be made payable, shall and may maintain his, her or their action for such sum of money, in like manner as in cases of Inland Bills of Exchange, with damages and costs of suit.

CAP. XXIV.

An ACT to enable Creditors more easily to recover their Debts from Joint Partners.

Preamble.

WHEREAS Creditors are often put to great trouble and difficulty in recovering debts due from joint partners, the proceeding to outlawry against persons who cannot be taken by process, not being in use in this Province, and doubts have arisen whether any one joint partner is now compellable to answer for the partnership debts, unless all are brought into Court, which many times cannot be done; for remedy whereof,

Joint Debtors, answerable separately.

I. Be it enacted by the Governor, Council, and Assembly, That all persons that now are or hereafter shall be jointly indebted to any other person or persons whatever, for any joint contract, obligation, matter or thing whatsoever, for which remedy could or might be had at law against such Debtors, in case all were or could be taken by process issued out of the Courts of this Province, shall be answerable to their Creditors separately for such debts; that is to say, such Creditor or Creditors shall and may issue process against such joint Debtors, in the manner now in use,

Creditors may issue process against joint debtors as usual, and

use, and in case any or either of such joint Debtors shall be taken, and brought into Court by virtue of such process, he, she or they so taken and brought into Court, shall answer to the Plaintiff or Plaintiffs, and in case the judgment pass for the Plaintiff or Plaintiffs, he or they shall have his or their judgment and execution against those that are brought into Court, and against the other joint Debtors named in the process, in the same manner as if they had been all taken and brought into Court by virtue of such process. *Provided always*, That it shall not be lawful, by virtue of this Act, to execute such execution against the Body, or the Lands, or Goods, the sole property of any person not brought into Court, before *scire facias* brought against him or them on such judgment.

if any are taken, judgment and execution shall be had against them and others, named in the process though not taken.

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

CAP. XXV.

An ACT to prevent Frivolous and Vexatious Arrests.

IFOR the more effectual preventing frivolous and vexatious arrests, *Be it enacted by the Governor, Council and Assembly*, That no person shall be held to special bail upon any process issued out of the Supreme Court where the cause of action shall not amount to the sum of ten pounds or upwards, nor out of any Inferior Court within this Province, where the cause of action shall not amount to forty shillings or upwards.* And that in all suits brought for a less sum, the Defendant shall be served with a copy of the process within the jurisdiction

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

* Increased to £5 by 42 Geo. 3. c. 7.

In suits for a less sum, Defendant to be served with a copy of process,

and. in case of non-appearance. Plaintiff may after affidavit made of such service, enter common appearance, &c.

of the Court issuing such process, in manner as hath heretofore been accustomed, and if such Defendant or Defendants shall not appear at the return of such process, or within twenty days after such return, it shall and may be lawful to and for the Plaintiff or Plaintiffs, upon affidavit being made before any Judge of the Court out of which such process shall issue, or before any Commissioners authorized to take affidavits to be read in the Supreme Court, and filed in the proper Court, of the personal service of such process as aforesaid, to enter a common appearance, or file common bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had entered his, her or their appearance, or filed common bail.

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

II. *And be it further enacted*, That in all cases where the Plaintiff or Plaintiffs cause of action shall amount to the sum of ten pounds, or forty shillings or upwards as aforesaid, affidavit shall be made and filed of such cause of action, which affidavit may be made before any Judge of the Court from which such process shall issue, and before any Commissioner appointed to take affidavits to be read in the Supreme Court, or else before the officer who shall issue such process, or his deputy, if such suit shall be brought therein: And in all cases, when the Plaintiff or Plaintiffs shall reside without this Province, in any of His Majesty's Plantations, before any Judge of the Supreme or Superior Court in such Plantation, and the sum or sums specified in such affidavit shall

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

be

be endorsed on the back of such writ or process, for which sum or sums so endorsed, the Sheriff or other officer to whom such writ or process shall be directed, shall take bail, and for no more. But if any writ or process shall issue for the sum of ten pounds or forty shillings, or upwards as aforesaid, and no affidavit or indorsement shall be made as aforesaid, the Plaintiff or Plaintiffs shall not proceed to arrest the body of the Defendant or Defendants, but shall proceed in like manner as is by this Act directed in cases where the cause of action does not amount to the sum of ten pounds or forty shillings, or upwards as aforesaid.

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

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

See 42 Geo. 3, c. 7, as to actions in Inferior Court.

CAP. XXVI.

An ACT to prevent Gaming.

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

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

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

II. *And be it hereby further enacted,* That in all actions of the case or other actions,
(except

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

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

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

III. *And be it further enacted,* That any person or persons whatsoever, who shall by playing at Cards, Dice or Tables, or any other game or games whatsoever, or by betting on the sides or hands of such as do play at any game or games as aforesaid, within twenty-four hours, or at any one meeting or sitting, lose to any one or more person or persons, so playing or betting, any sum or sums of money exceeding the sum of twenty shillings, or any other valuable thing or things whatsoever beyond the value of the sum of twenty shillings, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty within one month then next following, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof from the respective winner or winners thereof, with costs of suit, by action of debt, founded on this Act, to be prosecuted in any of his Majesty's Courts of Record, in which action it shall be sufficient for the Plaintiff to alledge that the Defendant or Defendants are indebted to the Plaintiff, or received

If more than 20s. or 20s worth be lost at cards, &c. within twenty-four hours, or at one sitting, and the same be paid or delivered, the party losing may sue for and recover the same with costs.

received to the Plaintiff's use, the monies so lost and paid, or converted the goods won of the Plaintiff to the Defendant's use, whereby the Plaintiff's action accrued to him according to the form of this Act, without setting forth the special matter.

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

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

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

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

Two Justices may enter public houses suspected of keeping gaming tables, and order their removal within 48 hours,

VI. And for the better suppressing all public gaming houses, *Be it hereby further enacted*, That it shall and may be lawful to and for any two of his Majesty's Justices of the Peace, to enter into any public houses

suspected of keeping any gaming tables, and to order and direct the keepers of such gaming tables, if any such shall be found therein, to remove the same within forty-eight hours, as a public nuisance; and any person refusing or neglecting to obey the order of such Justices, the said Justices shall have power to break and prostrate such public gaming tables, and also to require sufficient security from persons keeping such gaming houses, for their good behaviour during twelve months, or for their appearance at the next Quarter Sessions, there to be prosecuted for offending against this Act, or in case he or they shall refuse to find security, then to commit him or them to the common Gaol of the County for trial. On conviction, to be either fined or imprisoned, as the Court shall direct.

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

and on refusal to remove, may break and prostrate the same, and require security from the offenders for their good behaviour &c.

In case of refusal to find security, offenders to be committed. On conviction to be fined or imprisoned.

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

If persons so charged, do not prove the contrary, such Justices may require security for good behaviour for 12 months, and on non-compliance may commit.

such security, commit him to the common Gaol until he shall find such security.

CAP. XXVII.

An ACT for preventing Idleness and Disorders, and for punishing Rogues, Vagabonds, and other Idle and Disorderly Persons.

I. **B**E it enacted by the Governor, Council, and Assembly, That all persons who

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

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

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

such

such questions as shall be put to them by such Justice on such their examination, shall be considered as idle and disorderly persons within the intent and meaning of this Act, and be dealt with accordingly.

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

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

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

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

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

thereof, the sum of Ten Shillings, to be levied by distress and sale of the offender's Goods, by warrant from such Justice, and the overplus, if any, after the charge of prosecution and of such distress, shall be satisfied, shall be returned to such offender.

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

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

CAP. XXVIII.

An ACT for the appointment of Town or Parish Officers, in the several Counties in this Province.

I. *BE it enacted by the Governor, Council, and Assembly,* That the Justices of the General Sessions of the Peace for the several Counties in this Province, shall hereafter annually at the first Sessions of the said Court, appoint out of every Town or Parish in the said County, three fit persons to be Overseers of the Poor of the said Town or Parish, and at the same time, in like manner, appoint one fit person in every Town or Parish in said County, to be Clerk of said Town or Parish, who shall be sworn truly to enter and record all such matters and things as shall relate to the said Town or Parish, and shall appertain to his office; and shall also appoint two or more as they shall

Justices of General Sessions to appoint annually at the first Sessions, Overseers of the Poor—Town or Parish Clerks—Constables—Fenceviewers—Clerks of the Market—Pound Keepers, Cullers, &c. of Fish—Surveyors of Lumber and Cord Wood—Sealer of Leather—Guagers of Casks—Hogreeves—Assessors of Rates, &c.—Surveyors, &c. of Hay—Inspectors, &c. of staple commodities in

shall see convenient, to be Constables in said Town or Parish; and shall also appoint two or more as they shall see convenient, to be Fence-viewers in such Town or Parish, and shall also appoint one Clerk of the Market in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Pound keepers in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Cullers and Surveyors of Fish in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Surveyors of Lumber and of Cord Wood in said Town or Parish, and shall also appoint one Sealer of Leather in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Gaugers of Casks in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Hogleeves in said Town or Parish, and shall also appoint three fit persons to be Assessors in said Town or Parish of all such Rates and Taxes as shall be payable by any Act or Acts of the Governor, Council, and Assembly, of this Province, and shall also appoint a sufficient number in their discretion to be Surveyors and Weighers of Hay in said Town or Parish, and shall and may also appoint a sufficient number in their discretion in each Town or Parish to be Inspectors and Examiners of any staple commodity in such Counties respectively for market or exportation, who shall be respectively sworn in said Court where they shall be so appointed, or within fourteen days after such appointment;

Counties—who shall be respectively sworn in Court or within fourteen days by a single Justice.

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

For refusal or neglect shall forfeit 40s.

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

II. And

II. *And be it further enacted,* That the Surveyors and Weighers of Hay, shall be paid for their trouble in viewing and weighing Hay, at the rate of One Penny per hundred weight, and Four Pence per mile travel, if such travel exceed one mile, to be paid by the seller.

Surveyors, &c. of Hay, to be paid One Penny per hundred and Four Pence per mile travel, by seller.

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

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

See further 3 Geo. 4, c. 29.

CAP. XXIX.

An ACT for preventing Trespasses.

Repealed.

CAP. XXX.

An ACT to prevent the Burning Woods, by carelessly or wantonly Firing the same.

Preamble.

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

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

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

CAP.

CAP. XXXI.

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

Expired.

CAP. XXXII.

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

Suspended. See 50 Geo. 3, c. 6.

CAP. XXXIII.

An ACT for regulating and facilitating the Navigation of the River Saint John, and other Rivers in this Province.

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

I. *Be it enacted by the Governor, Council, and Assembly,* That the Commissioners and Surveyors of Roads that shall be annually appointed or chosen in the several Towns or Parishes, in the respective Counties in this Province, shall be Surveyors of Rivers, who shall take care that all Rivers, and the

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

banks and shores thereof, within the respective districts assigned them, be cleared of all such incumbrances and obstructions to the Navigation thereof, that they may be safe and convenient for the aforesaid purposes of passing up and down the same with small vessels, boats, and rafts of lumber, in manner as aforesaid, and the Surveyors are hereby empowered to cut down, dig up and remove all sorts of trees, bushes, or other thing or things, that may any way straiten, hurt, hinder, incommode, impede, or obstruct the Navigation of said Rivers, with small vessels, boats, or rafts of lumber, by towing the same or otherwise; and to warn all labourers, owners of carriages, teams and boats, or other things fit and necessary to be employed for the above purposes.

To warn labourers, &c.

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

II. *And be it further enacted,* That if any person or persons shall hereafter fell any tree or trees standing on the banks of said Rivers, and cast and leave the same across said banks, or shall cut down and leave on said banks, any log or logs, or other heavy bodies, such person or persons shall for each tree, log, or other heavy body, felled, cut down, or left on or across said banks, in manner aforesaid, forfeit and pay a fine or penalty of Twenty Shillings, to be recovered by complaint to a Justice of the Peace, as in the case of refusal to labour on the Highways, and appropriated for the purpose of clearing said Rivers, by the Surveyors within whose district the offence shall be committed.

Surveyors to command assistance of Inhabitants

And the said Surveyors are hereby authorized to command the assistance of the Inhabitants

bitants of the Parish, for the purposes aforesaid, in like manner as for working on the Highways, and the work so done by each person shall be considered and returned by said Surveyor and allowed for, as so much work done on the Highways.

ants, and work allowed as in case of Highways.

CAP. XXXIV.

An ACT for securing the Navigation of the River Maggaugaudavick.

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

Preamble.

I. *Be it enacted by the Governor, Council, and Assembly,* That no person or persons shall raise a Dam or throw a Boom across the main river Maggaugaudavick, and any person or persons so offending shall forfeit the sum of Twenty Pounds, the half of which sum shall be for the Informer, and the other half for the Poor of the Township where the offence shall be committed, to be recovered by bill, plaint or information, in any of his Majesty's Courts of Record within this Province.

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

II. *Provided always,* That it shall and may be lawful to throw a Boom or Booms across said River at or below the Carrying-place or Portage, immediately above the first falls of said River, which falls are next adjoining to the salt water, for the purpose of stop-

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

ping masts, spars, rafts or other lumber, to be hauled over the said Portage, where the height and rapidity of the stream renders the further conveyance of them by water unsafe.

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

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

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

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

Two Justices may on view order such Booms removed.

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

hereby directed to order any such Boom or Booms to be removed.

See further 45 Geo. 3, c. 7 and c. 14.

CAP. XXXV.

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

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

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

CAP. XXXVI.

An ACT for regulating Inn-holders, Tavern-keepers, and Retailers of Spirituous Liquors.

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

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

* Not to extend to Retailers, not being Inn-keepers, except as to Soldiers, Sailors, and Servants, by 34 Geo. 3, c. 5.

II. *And*

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

II. *And be it further enacted,* That in case any Soldier, Sailor, Servant, Apprentice, bound Servant, or other person whatsoever, shall leave any pawn or pledge as a security for the payment of any sum exceeding Five Shillings contracted in such manner, such Soldier, Sailor, Servant, Apprentice, bound Servant, or other person whatsoever, or the Masters or Mistresses of such Servant, Apprentice or bound Servant, may complain to any Justice of the Peace where such Retailer, Inn-holder, Tavern or Ale-House keeper, or any other person whatsoever receiving such pawns or pledges usually resides, that such pawn or pledge is detained from him or her by such Retailer, Inn-holder, Tavern or Ale-house keeper, or any other person whatsoever, and having made proof thereof by the Oath of one or more credible witness or witnesses, such Justice of the Peace is required by warrant under his hand and seal, to compel such Retailer, Inn-holder, Tavern or Ale-house keeper, or other person whatsoever, by distress and sale of his goods, to restore the aforesaid pawn or pledge to the party complaining, or to make him or her satisfaction for the loss or abuse thereof, and shall further be subject to a Fine not exceeding Five Pounds, for the use of the Poor of the Town or Parish where such offence shall be committed.

Retailers, &c. harboring or suffering Apprentices to sit drinking in their houses or selling them spirituous Liquors without order,

III. *And be it further enacted,* That no Retailer or person whatsoever shall harbour, or suffer any Apprentice or Servant whatsoever, to sit drinking in his or her house, nor sell or give him, her or them, nor suffer
to

to be sold or given him, her or them, any of the Liquors aforesaid, without special order or allowance of their respective Masters or Mistresses, on pain of forfeiting the sum of Ten Shillings for every such offence, together with the charges of prosecution, to be recovered upon conviction on the Oath of one credible witness before any one of his Majesty's Justices of the Peace within the County where the offence shall be committed, or such other proof as shall be to the satisfaction of such Justice, and to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the said Justice, and for want of sufficient distress, said Justice shall and may commit such offender to his Majesty's Gaol, there to remain for the space of one month, or until he shall have paid and satisfied the same. And such sum so levied shall, by the said Justice be paid into the hands of the Overseers of the Poor of the Town or Parish where the offence shall be committed, to be by them applied to the use of the Poor of such Town or Parish.

&c shall forfeit
10s. for each of-
fence.

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

This Act not to
extend to travel-
lers, &c.

See further 34 Geo. 3. c. 5.

CAP. XXXVII.

An ACT for regulating Servants.

Preamble.

WHEREAS damage and inconvenience may arise from Apprentices and indentured Servants leaving the service of their Masters without a proper discharge.

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

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

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

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

Indentured Servants and Apprentices absenting themselves shall make satisfaction by service.

III. And all indentured Servants and Apprentices as aforesaid, who shall absent themselves from their service, shall be liable to make satisfaction by service after the time of their Indenture is expired, double the time of service so neglected, and if their absence was in seed time or harvest, or the charge of recovering them be extraordinary, the Court before whom complaint is made, shall adjudge

judge a longer time of service, proportionable to the damage the Master shall make it appear he has sustained.

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

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

Persons making use of false Certificates shall be publicly whipped.

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

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

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

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

ference, to be recovered and applied as aforesaid.

Masters shall provide for Servants.

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

Two Justices on complaint of Servants, may order relief by discharge or otherwise.

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

Party not satisfied may appeal to Court of Sessions.

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

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

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

CAP. XXXVIII.

An ACT to enable the Justices of the Peace of the several Counties in this Province; for the time being, to receive for Public Uses, Grants of Lands lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same.

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

I. *Be it enacted by the Governor, Council, and Assembly,* That the Justices of the Peace in each County shall be and are hereby authorized and empowered, by the stile and title of the Justices of the Peace of the County of _____ for the time being, to accept, receive and retain in trust for the Public uses therein specified, any Grant or Grants of Lands lying in the said County, and such trust to execute: and all Grants so as aforesaid made, are hereby declared to be good and valid in Law. Justices of the Peace authorized to receive Grants of Lands in trust for public uses.

II. *And be it further enacted,* That the said Justices, by the stile and title aforesaid, shall be able, and in Law capable to bring and maintain any action of trespass or ejection, of, or concerning any the Lands so granted to them in trust as aforesaid. And to lease for a term of years any such Lands so granted to them, or heretofore given to Public May bring actions concerning such Lands and may lease the same. uses,

uses, to the best advantage, except the use is expressly given in such Grant to some particular person or persons or body corporate.

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

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

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

CAP. XXXIX.

An ACT for the Preservation of Moose,

Expired.

CAP. XL.

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

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

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

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

II. *Be it also enacted,* That if any Proprietor or Proprietors of any real Estate as aforesaid, shall be absent, and no person appear in their behalf within Six Months after Public Notice being given in the Royal Gazette, to pay his, her or their quota or

Such delinquent Proprietors being absent or not appearing within 6 Months after public notice in the Royal Gazette three Justices may let out their lands, or, if necessary,

may order the Sheriff to sell the same to pay such charges and costs.

Vide Assessment Law, 3 Geo. 4, c. 24.

Sheriffs to execute Deeds to the purchasers.

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

See further Assessment Law, 3 Geo. 4, c. 24, which renders this Act Obsolete.

CAP. XLI.

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

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

I. *Be it enacted by the Governor, Council, and Assembly,* That all and every person or persons, who have or hath any public monies in his or their hands, or are otherwise indebted by such sales aforesaid, shall and may, and they are hereby required to pay the same into the hands, of the respective county Treasurers of such County where such privileges and Lots were sold, and the receipt of such Treasurer shall be a full and sufficient acquittance and discharge to him or them for the same. And if any person or persons when thereunto required by such Treasurer shall refuse or neglect to account and pay to such Treasurer all and every sum or sums which he or they shall have in his or their hands, or are otherwise indebted as aforesaid, such Treasurer shall and may sue for and recover the same in any Court of Record in this Province, having competent jurisdiction, by action of debt, bill, plaint or information, and upon judgment given for the Plaintiff, he shall and may recover treble costs of suit.

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

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

Such monies to be appropriated by Justices in Sessions.

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

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

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

III. *And be it further enacted,* That all persons who have any demands against any Town or district, for the discharge of which the sales aforesaid are declaredly made, are hereby required to deliver in a particular account of the same to the County Treasurer, who is hereby directed to receive such accounts, and lay the same before the Justices of the Peace at their General Sessions in the respective County, who are hereby authorized to examine and adjust said accounts and certify the balance due on each, that the same may be paid by the Treasurer as soon as he is enabled by the recovery of the monies aforesaid, and no *certiorari* is brought as aforesaid.

CAP. XLII.

An ACT for Assessing, Collecting and Levying, County Rates.

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

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

Such sums to be apportioned by Assessors.

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

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

Repealed by 29
Geo. 3, c. 3.

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

II. *And be it further enacted*, That when any Gaol or Court-House, or any public Bridges or other works are to be repaired at the expence of any County in this Province, the Justices of the Peace in the several Counties, shall at their General Sessions of the Peace, upon the presentment of the Grand Jury at such Sessions of the want of such reparation of the Gaol, Court-House and Bridges or other works, have full power and authority, if they think proper and convenient, from time to time to make rates and assessments for such sum or sums of money as they in their discretion shall think sufficient to answer all and every the purposes aforesaid, in such proportions as is herein before directed to be in like manner assessed,

assessed, levied and collected; and the said Justices of the Peace at their respective General Sessions, are hereby authorized and empowered to covenant, contract and agree with any person or persons for the well and sufficient building, finishing or repairing such Gaols, Court-Houses, Bridges or other works as aforesaid.

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

III. *And be it further enacted,* That if any person or persons who shall not have worked as aforesaid, shall refuse or neglect to pay his or their assessment, by the space of Ten days after demand of such assessment by the Constable appointed to collect the same, or shall convey away his or their goods or estate whereby the sum or sums of money so assessed cannot be levied, then it shall and may be lawful to and for the said Constables, by warrant from any one of the Justices of the Peace in the County, to levy the sum so assessed, by distress and sale of the goods and chattels of such persons so neglecting or refusing to pay, who shall not have worked as aforesaid, and the goods and chattels then and there found, and the distress so taken to keep for the space of Ten days, at the costs and charges of the owner thereof; and if the said owner do not pay the sum or sums of money so rated or assessed, within the space of the said Ten days, then the said distress to be appraised by two or more of the Inhabitants where the same shall be taken, or other sufficient persons, and to be sold by the said Constable for payment of the said money, and the overplus of such sale (if any be) over and above the sum so assessed and

Persons not having worked as aforesaid, and refusing or neglecting to pay their Assessments, liable to distress and sale of their goods.

Constables to
pay their collec-
tions to County
Treasurers.

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

Treasurers to pay monies as directed by Justices in Sessions.

charges of taking and keeping the distress, to be immediately returned to the owner thereof; and the respective Constables are hereby required upon demand to pay such sum or sums of money as they shall have so received or collected, into the hands of such person (being resident in such County where such rates shall be respectively made) whom the said Justices at their General Sessions, or the greater part of them then and there assembled, appoint to be the Treasurer of the County, (which Treasurer they are hereby authorized and empowered to nominate and appoint) such Treasurer first giving security in such sum as shall be approved of by the said Justices at such General Sessions, or the greater part of them then and there assembled, to be accountable for the several and respective sums of money which shall be respectively paid to them, in pursuance of this or any other Act or Law of this Province, and to pay such sum or sums of money as shall be ordered to be paid by the Justices at their General Sessions, and for the due and faithful execution of the trust reposed in him, and all and every such sum or sums of money as shall be paid into his hands by virtue of this or any other Act or Law of this Province, shall be deemed and taken to be the Public stock, and the said Treasurer shall and is hereby required to pay so much of the money in his hands to such person and persons as the said Justices at their General Sessions, or the greater part of them then and there assembled, shall by their orders from time to time, direct and ap-
point

point for the use and purposes of this Act; and for any other uses and purposes to which the Public stock of any County is or shall be applicable by Law.

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

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

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

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

Constables neglecting or refusing may be committed to Gaol.

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

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

stables shall, after having been passed by the said Justices at their respective General Sessions, be deposited with the Clerk of the Peace for the time being, of each County respectively, who is hereby required to keep them among the Records of such County, to be inspected from time to time by any of the said Justices for such County as occasion shall require, without fee or reward.

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

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

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

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

rates

rates from time to time appointed to be made.

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

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

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

IX. *And be it further enacted,* That no new rate shall be made until it shall appear to the said Justices at their respective General Sessions, or the greater part of them, then and there assembled, by the accounts of their respective Treasurer or otherwise, that three-fourths of the money collected by virtue of the preceding rate have been expended for the uses and purposes aforesaid.

Actions shall not be commenced against persons collecting money on rates, qua hed on writs of certiorari.

X. *And be it further enacted,* That no action or suit shall be commenced or prosecuted against any person or persons who shall be employed in collecting or receiving any money in pursuance of this Act, or any rate or rates which shall be quashed or discharged on any *certiorari* to be brought in the Supreme Court for any money to be collected or received on any such rate or rates, before such

such writ of *certiorari* shall be brought and allowed, and that justice may be done to such persons who shall pay towards any rate which shall be quashed or discharged, the several sums of money which shall appear to have been paid by them on such rate, either in the whole or in part, more than they ought to have paid, shall be repaid or allowed to them in the next rate or rates which shall be made in pursuance of this Act, as if the same had been paid on such new rate or rates.

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

XI. *And be it further enacted*, That no writ of *certiorari* to remove any rates made in pursuance of this Act, or to remove any orders or other proceeding taken or made by the said respective General Sessions, touching such rates, shall be taken out or granted, but upon motion to be made some time in the Term next after the time for appealing from such rates or orders is expired, and upon making it appear to the Court by affidavit or otherwise, that the merits of the question upon such appeal or orders will by such removal come properly in the judgment of the said Court, and that no such writ of *certiorari* shall be allowed, until sufficient security be given to the respective Treasurers appointed by virtue of this Act, in the sum of one hundred Pounds, to prosecute such writ of *certiorari* with effect, and to pay the costs to be ascertained by the Court to which such rates, orders or proceedings, shall be removed, in case such rates or orders shall be confirmed, nor shall any such rates, orders or proceedings, be quashed or vacated

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

Rates not to be quashed for want of form.

vacated for want of form only, and all charges attending such removal shall be defrayed out of that or any subsequent rate.

Actions to be brought within 3 months.

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

Defendants may give special matter in evidence under general Issue.

If judgment against Plaintiff, Defendant shall recover treble costs.

Defen-

Defendants hath or have in other cases by Law.

See further 27 Geo. 3, c. 8, and 29 Geo. 3, c. 3, and 3 Geo. 4, c. 24.

CAP. XLIII.

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

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

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

* Allowed at any General Sessions by 33 Geo. 3, c. 6.

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

the hands of the Overseers of the Town or Parish where such rates are assessed.*

* Vide 3 Geo. 4, c. 24, altering mode of making assessments of Rates.

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

II. *And be it further enacted*, That the said Overseers of the Poor, or the major part of them, by and with the consent of two or more Justices of the Peace, dwelling in or near such Town or Parish respectively, are hereby empowered to inquire from time to time after any idle, or disorderly person or persons, married or unmarried, who have no visible means of support, and who are likely to become chargeable to the Town or Parish where they reside, and to oblige such person or persons to labour for any substantial person who may be willing to employ him or them: and if such poor person or persons have children in a suffering condition, the said Overseers, with the consent of the said Justices, are hereby empowered to bind such poor children Apprentices, the Males to be bound until they arrive to the age of Twenty-one years, and the Females to the age of Eighteen years; and for such Poor who are not able to earn a living, but are supported at the Public expense, the said Overseers, with the consent of the General Sessions, are hereby empowered to hire or purchase a house for the reception of such Poor, and to purchase materials to employ such of them as are able to labour; or to agree with some person residing in the same Town or Parish to take into their house at a yearly allowance and employ such Poor in any labour they are able to do, and to give

May bind children of Poor persons Apprentices.

May hire or purchase houses for Poor unable to work.

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

give credit for the same to the Overseers, from the sum allowed them for the said yearly maintenance of such Poor; and that Public charities may not be abused, the said Overseers are hereby directed to act with impartiality, and to put the said Poor in the hands of the person who shall offer to keep them for the least expense, having at the same time a regard to the character of the person who offers, so that the Poor may not be inhumanly treated, nor the Public abused; and for which sum or sums of money so expended, and all other expenses of the Poor in each Town or Parish, they the said Overseers respectively, are hereby authorized and required to ascertain and lay the same before the said Justices as aforesaid at their General Sessions, and the same so ascertained and allowed by the said General Sessions, shall be by them ordered to be assessed, collected and paid as aforesaid, unless the funds for the support of the Poor and appropriated to such Town in the respective county Treasury are sufficient to pay said expense.

Overseers to act with impartiality and humanity.

See further 33 Geo. 3, c. 6.

CAP. XLIV.

An ACT to regulate the Sale of Goods sold at Public Auction or Out-cry.

I. **B**E it enacted by the Governor, Council, and Assembly, That all goods, chattels, wares, merchandises and effects whatsoever, which shall or may at any time or times, from and after the publication hereof and during the continuance of this Act, be sold

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

at Public Vendue, Auction or Out-cry, within this Province, by any Vendue Master or Vendue Masters, Auctioneer or Auctioneers, or by any other person or persons whatsoever, shall be and hereby are declared and made subject to a duty of Two Pounds Ten Shillings for every Hundred Pounds of the value or price at which the same shall be sold as aforesaid, and after the same rate for every greater or lesser sum, to be paid by such person or persons, who shall so sell the same as aforesaid.

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

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

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

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

his

his heirs and successors, before any one of the Judges of the Supreme Court of this Province, or one of the Judges of the Inferior Court of Common Pleas in any of the Counties, in the penal sum of Two hundred Pounds current money of this Province, with two sufficient securities, each in the sum of One hundred Pounds, like money, conditioned for the payment of the duties herein before mentioned, to the Treasurer of this Province for the time being, and in all things well and faithfully to behave, according to the true intent and meaning of this Act, which recognizance shall be filed with such Judge before whom it shall be taken; and such Vendue Master or Vendue Masters, Auctioneer or Auctioneers, and every other person or persons who shall at any time or times during the continuance of this Act, either for him or themselves, or on his or their own account, or for or on account of any other person or persons whomsoever, sell or dispose of any goods, chattels, wares, merchandises or effects, at Public Vendue, Auction, or Out-cry, shall at or within Twenty days after the expiration of every Three Months from the commencement of this Act, render a just, exact and true account in writing, upon Oath, to the Treasurer of this Province for the time being, of all and singular the goods, wares, merchandises and effects, with the amount thereof, which he or they shall have so sold and disposed of at Public Vendue, Auction or Out-cry, at each such sale as aforesaid, and shall within Twenty-one days thereafter, pay to

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

And within 21 days shall pay the duties.

Oath.

the said Treasurer for the time being, the sum of Two Pounds Ten Shillings out of every Hundred Pounds value for every such respective sale, and at the same rate for a greater or lesser value, which oath shall be in the following words, viz. I, A. B. do solemnly swear, in the presence of Almighty GOD, that the account now exhibited by me and to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandises and effects, sold by me, or any person or persons under me, within the time in the said account mentioned, which are liable to the duty imposed by an Act, intituled, "An Act to regulate the sale of Goods at Public Vendue, Auction or Out-cry, within this Province."---So help me GOD. And if the said Vendue Master, Auctioneer or Auctioneers, neglect or refuse to deliver such account on Oath, and pay the duty within the time limited as aforesaid, he or they so neglecting or refusing, shall respectively forfeit the sum of Fifty Pounds for every offence, which forfeiture the Treasurer of the Province for the time being, is hereby empowered and directed to sue for in any Court of Record in this Province.

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

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

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

V. *And*

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

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

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

Continuance of the Act.

Continued by 38 Geo. 3, c. 1, and 43 Geo. 3, c. 8, to April, 1808, and made perpetual by 47 Geo. 3, c. 15.

CAP. XLV.

An ACT for appointing Commissioners of Sewers.

I. **B**E it enacted by the Governor, Council, and Assembly, That upon application of any Proprietors of any Marsh, low Lands or Meadow, the Governor or Commander in Chief, with the advice of his Majesty's Council, may and is hereby authorized by Commission, to appoint such able and discreet persons as to him shall seem meet, to be Commissioners of Sewers; in which Commission such Commissioners shall be authorized and empowered to convene and meet together from time to time as occasion may require, to consult, consider and devise means and methods for building, erecting or repairing such Dams, Dykes and Wears, as are or may be necessary to prevent Inundations, and for the draining or drowning of Marshes, Swamps and other unprofitable Lands, and to employ labourers and workmen for such reasonable wages as may be

Governor may appoint Commissioners of Sewers.

Their power and authority.

See 34 Geo. 3, c. 8, requiring the consent of Proprietors of one half of such marsh land.

agreed on for that purpose ; and to tax and assess all such persons from time to time as shall or may be owners of such Marshes, Meadows, Swamps or unprofitable Lands as aforesaid, for defraying the expence thereof; having regard to the quantity of Land of each person and benefits thereby to be received as equally as they can, according to their best judgment : and also to appoint and swear a Collector or Collectors for collecting such assessments and paying the same to such persons as by said Commissioners shall be appointed, with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their proportions assessed as aforesaid, in like manner as is usually done in other cases by distress, and to call before them such Collector or Collectors, to account for his or their trusts in regard to the premises, and likewise to value such repairs as may have been made to such Dykes and Wears by the Proprietors before the date of their said Commissions, and to apportion an assessment for the payment thereof by those who have been or may be benefited thereby in the same manner as if such repairs had been made by their own orders, which said Commissioners shall be sworn to a faithful discharge of their duty, and may receive out of such assessment a reasonable compensation for their trouble, to be allowed by the Governor and Council, to whom such Commissioners shall be accountable.

Commissioners to be sworn.

Land of delinquent Proprietors may be sold

II. *And be it further enacted,* That if no person shall appear to pay the quota or proportion

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

if no distress can be found.

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

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

Oxen and Carts
may be employ-
ed.

Penalties on re-
fusing.

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

Penalty on neg-
lect.

pose and according to the quantity or proportion of Land belonging to such owner or proprietor, and where it may be necessary to employ Oxen and Carts, each and every owner or possessor of such Lands who have them, shall in like manner be obliged to attend with such Oxen and Carts for such work, according to the discretion of said Commissioners, or shall forfeit and pay over and above his tax or assessment, the sum of Five Shillings for every day's neglect, and so in proportion for Oxen and Carts, to be recovered in any Court proper to try the same, and the monies arising from such Fines to be paid into the hands of the Commissioners, to be appropriated for repairs of such Dykes.

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

V. *And*

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

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

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

Appeal to the Governor and Council.

See further 34 Geo. 3, c. 8.

CAP. XLVI.

An ACT for Confirming unto the City of Saint John, its Rights and Privileges.

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

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

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

And that all and singular Letters patent, Grants, Charters and Gifts, sealed under the Great Seal of this Province, heretofore made and granted unto the Mayor, Aldermen and Commonalty, of the City of St. John, be and are hereby declared to be and shall be good, valid, perfect, authentic and effectual in the Law, and shall stand and be taken, reputed, deemed and adjudged good, perfect, sure, available, authentic and effectual in the Law, against the King's Majesty, his heirs and successors, and all and every person or persons whomsoever, according to the tenor and effect of the said Letters patent, Grants, Charters and Gifts, and that the same be and are to all intents and purposes hereby ratified and confirmed.

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

II. *And be it further enacted*, That the Mayor, Aldermen and Commonalty, of the City of St. John, and their successors, shall and may forever hereafter peaceably have, hold,

hold, use and enjoy, all and every the rights, gifts, charters, grants, powers, liberties, privileges, franchises, customs, usages, constitutions, immunities, markets, duties, tolls, lands, tenements, estates and hereditaments, which have heretofore been given or granted unto the Mayor, Aldermen and Commonalty, of the City of St. John, by any Letters patent, Grant, Charter or Gift, sealed under the Seal of this Province.

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

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

See further 26 Geo. 3, c. 54, and 27 Geo. 3, c. 8, and 43 Geo. 3, c. 3.

CAP. XLVII.

An ACT for the better extinguishing Fires, that may happen within the City of Saint John.

WHEREAS the Inhabitants of the City of Saint John, have at great charge and expence supplied themselves and are provided with two fire Engines, and have undertaken to procure various sorts of poles, hooks, chains, ropes, ladders, and other tools and instruments for extinguishing Fires, the rage and violence of which may be in great part prevented if a sufficient number of

Preamble.

of

of skilful persons be appointed to have the care, management and working of the said fire Engines, and other tools and instruments for extinguishing of Fires, in cases of such casualty and distress that may hereafter happen.

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

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

To be called firemen.

Firemen removable by Mayor, &c.

II. And in order to compel and oblige the Firemen so to be elected, nominated or appointed as aforesaid, to be diligent, industrious

trious and vigilant, in the execution and discharge of their office and duty, *Be it further enacted*, That the Mayor, Aldermen and Commonalty, of the said City, for the time being, in Common Council assembled, or the major part of them, are hereby authorized and empowered to remove and displace all or any of the Firemen so as aforesaid to be elected, nominated or appointed, when and as often as they shall think fit, and others in the room or places of such as they shall remove or displace, to elect, nominate or appoint and put in, and so from time to time as they the Mayor, Aldermen and Commonalty, aforesaid, for the time being, in manner aforesaid shall see convenient.

III. *And be it further enacted*, That the persons so to be elected, nominated or appointed Firemen as aforesaid, and each and every of them from time to time, during the continuance of being in the office of Firemen, and no longer, shall and are hereby declared to be freed, exempted, and privileged from the several offices of Constable and Surveyor of the Highways, and from being compellable to serve in the Militia, except in cases of Invasion or other imminent danger; and the names of such persons to be elected, nominated or appointed Firemen by virtue hereof, from time to time, shall be registered and entered with the Clerk of the Peace for the said City; and if at any time after the publication of this Act, and the electing or appointing Firemen by virtue hereof, any such person or persons elected or appointed Firemen as aforesaid, shall be chosen, elected or ap-

Firemen freed
from serving as
Constables.

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

appointed into any of the said offices, or to serve in the Militia (except as before excepted) or be disquieted or disturbed by reason thereof, that then such person or persons producing a testimonial or certificate under the hand of the Mayor, Recorder, or any one Alderman of the said City, for the time being, of such his election, nomination or appointment, to the person or persons by whom he shall be so elected or appointed, or by or before whom he shall be summoned, returned or required to serve, execute or hold any of the said offices or duties; shall be absolutely discharged from the same, and such election, nomination, return and appointment, shall be utterly void and of none effect, unless such person or persons shall voluntarily consent and agree to hold such office or serve in such Militia; any order, custom, law or practice, to the contrary hereof in anywise notwithstanding.

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

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

and to impose
Fines, &c. for de-
fault of duty.

or any of them, for default or neglect of the duties, businesses and services thereby to be enjoined or required from them, as the Mayor, Aldermen and Commonalty, of the same City, for the time being, or the major part of them, met as aforesaid, shall from time to time think meet and convenient.

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

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

See further 28 Geo. 3, c. 3, and 52 Geo. 3, c. 17, and 56 Geo. 3, c. 2.

CAP. XLVIII.

An ACT against Forestallers and Re-graters.

I. *BE it enacted by the Governor, Council, and Assembly*, That from and after the publication hereof, whatsoever person or persons shall buy or cause to be bought any Victuals of any kind whatsoever, coming by land or water towards any Market or Fair already established or that may be here-

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

after

after be established in this Province, to be sold in the same again, (except at the distance of Ten miles at least from the place where such Market or Fair is to be held or kept) or shall make any bargain, contract or promise for the having or buying the same or any part thereof, or shall make any motion by word, letter or message or otherwise, to any person or persons, for the enhancing the price or dearer selling any kind of Victuals or Provisions for the use of Man, coming by land or water towards any Market or Fair as aforesaid, shall be deemed and adjudged a Forestaller.

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

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

Persons guilty and convicted of Forestalling or Regrating, shall be fined not exceeding £10.

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

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

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

CAP. XLIX.

An ACT establishing the Rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province.

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

Preamble.

1st Section Repealed by 54 Geo. 3, c. 9.

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

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

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

III. *And be it further enacted;* That all and every ship or other vessel, that shall make fast to any other ship or vessel that shall be fastened to any or either of the Wharves aforesaid, and shall continue so to be fastened, or shall so load, unload or careen, shall be subject and liable to pay the one half of the rates that such ship or other vessel so fastened should and would have been liable to pay by this Act, in case they were fastened to any or either of the said Wharves and there loaded, unloaded and careened.

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

IV. *And be it further enacted;* That it shall and may be lawful to and for the owner or owners respectively of every Crane that now

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

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

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

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

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

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

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

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

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

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

See further 47 Geo. 3, c. 4, and 54 Geo. 3, c. 9.

CAP. L.

An ACT for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same.

Repealed.

See 59 Geo. 3, c. 11 and 13.

CAP.

CAP. LI.

An ACT to prevent Frauds in the Sale of Damaged Goods imported into this Province.

WHEREAS Goods imported here, and Preamble.
insured in Great-Britain and elsewhere, are sometimes sold in this City or other Port within this Province, for the account of the Insurers; wherefore to prevent Frauds in such sales,

I. *Be it enacted by the Governor, Council, and Assembly,* That all damaged Goods hereafter to be sold for account of the Insurers, shall be surveyed by the Master, or one or more of the Wardens of the Port of Saint John, for the time being, or other Port within this Province, at or upon the first unloading thereof, or as soon thereafter as the same are discovered to be damaged, which said Master or Wardens are to determine if the same has been properly stowed; which sale shall be made in his or their presence at Public Vendue, in the most public and convenient place within the said City, between the hours of Eleven in the morning and Three in the afternoon, first advertising the sale thereof at least Twenty-four hours; which said Goods shall be only such as are really damaged in the judgment of such Master or Wardens, and the sale thereof shall be in such separate pieces or small parcels at a time as such Master or Warden shall think most for the interest of the Insurers; and the person that shall order such damaged Goods to be sold, shall at the time of the sale produce to the By-standers the original Invoice of the sterling cost of such damaged Goods, as he

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

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

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

shall direct to be sold, for account of the Insurers, unless such person do make Oath that no such Invoice is come to his hand.

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

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

Fees of the Master and Wardens.

III. *Be it also enacted*, That the Master and Warden or Wardens, shall each receive Seven Shillings and Six Pence a day, for attending the services abovementioned, to be paid by the persons at whose request the sale is made, and for every Certificate Five Shillings. And that the Vendue Master or person acting as Vendue Master, and the Master and Wardens, or either of them so offending against this Act, shall for every offence forfeit the sum of Twenty Pounds; and that

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

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

no person shall make any sale of Goods for account of such Insurers, except in the manner above directed, nor make any demand for a loss without transmitting or producing the account of sales and Certificate above required, or a true copy thereof, under the forfeiture of double the value of the amount of such sales; all and every of which said penalties and forfeitures may be recovered in any Court of Record in this Province, by bill, plaint, or information, wherein no more than one imparlance shall be allowed, one moiety whereof shall be to any person suing for

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

for the same, and the other moiety to be paid to the Treasurer of this Province, to be applied towards the support of Government, in the manner hereafter to be directed.

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

This Act to continue in force until March, 1789.

Continued to 1st April, 1808, by 38 Geo. 3, c. 1, and by 43 Geo. 3, c. 8, and made Perpetual by 47 Geo. 3, c. 15.

CAP. LII.

An ACT for Regulating Pilots.

Repealed by 2 Geo. 4, c. 6, § 1.

CAP. LIII.

An ACT for the Regulation of Seamen.

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

Preamble.

I. Be it enacted by the Governor, Council, and Assembly, That if any Inn-holder, Victualler, seller of Rum and strong Liquors, Shopkeeper, or any other person whatsoever, shall trust or give credit to any Mariner or Seaman belonging to any ship or other vessel, without the knowledge and allowance of the Master or Commander thereof, in any sum not exceeding Ten Pounds, no *capias*, arrest or any other process for any Debt so contracted without knowledge and allowance as aforesaid, shall be granted against or served

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

upon the person of such Mariner or Seaman, until he shall have performed the voyage he is then entered upon and be discharged of the same ; and every process issued contrary to this Act, shall be deemed and adjudged utterly void in Law. And any one Justice of the Court from whence such process shall issue to whom it shall be made to appear that any Mariner or Seaman is committed or restrained upon process granted for any such Debt or pretence of Debt made whilst he was engaged, and actually entered and in pay on any voyage, shall forthwith order his release, upon filing common bail to the action.

2d Section Repealed by 38 Geo. 3, c. 2, § 1, and new Provision made in lieu thereof.

Seamen neglect-
ing their atten-
dance and duty
when engaged.

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

Penalty.

that committed him, or some other Justice in the same County, and all necessary charges attending his being so secured, and which have been actually paid by the said Owner or Master, may be deducted from such Mariner or Seaman's wages, as the same becomes due.

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

Seamen not bound, unless agreement in writing.

See further 38 Geo. 3, c. 2, and 50 Geo. 3, c. 12.

CAP. LIV.

AN ACT to enable the Corporation of the City of Saint John, to raise a sum of Money, not exceeding Three Hundred Pounds in the whole, nor more than One Hundred Pounds in any one Year, to pay off their Debts already incurred, and to defray the necessary contingent expenses arising within the said City.

I. **B**E it enacted by the Governor, Council, and Assembly, That in order to enable the Corporation of the City of St. John, to pay off their Debts already incurred and to defray the necessary contingent expenses arising within the said City, it shall and may be lawful for the Common Council of the said City to raise a sum of Money, not exceeding Three hundred Pounds in the whole, nor more than One hundred Pounds in any one year, by rates or assessments upon the Freeholders and Inhabitants of the said City, by

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

by just and equal proportions, to be assessed by the said Common Council, or by three or more Assessors to be by them for that purpose appointed, and levied upon and paid by the said Freeholders and Inhabitants, in such manner and under such rules, regulations, restrictions and penalties, as the said Common Council shall direct and appoint.

Common Council to appoint Assessors and Collectors.

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

See further 27 Geo. 3, c. 8.

CAP. LV.

An ACT for raising a Revenue in this Province.

Expired.

CAP. LVI.

An ACT to rectify the Mistakes in "An Act for raising a Revenue in this Province,"

Expired.

CAP. LVII.

An ACT to lay a Tax on Dogs.

Expired.

CAP. LVIII.

An ACT against Tumults and Disorders, upon pretence of preparing or presenting Public Petitions or other Addresses to the Governor or General Assembly.

TO prevent tumultuous and other disorderly soliciting and procuring of Hands by private persons to Petitions, complaints, remonstrances and declarations, and other Addresses, to the Governor, Council, and Assembly, or any or either of them, for alteration of matters established by Law, redress of pretended grievances in Church or State, or other Public concernments, being made use of to serve the ends of factious and seditious persons, to the violation of the Public peace.

I. Be it enacted by the Governor, Council, and Assembly, That no person or persons whatsoever, shall solicit, labour or procure the getting of Hands, or other consent, of any persons above the number of Twenty or more, to any Petition, complaint, remonstrance, declaration or other Address to the Governor, Council, and Assembly, or any or either of them, for alteration of matters established by Law in Church or State, unless the matter thereof have been first consented unto and ordered by three or more Justices of that County, or by the major part of the Grand Jury of the County or division of the County, where the same matter shall arise, at their Public Assizes or General Quarter Sessions; and that no person or persons whatsoever shall repair to the Governor, Council, or Assembly, upon pretence of presenting or delivering any Petition, complaint,

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

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

plaint, remonstrance or declaration, or other Addresses, accompanied with excessive number of people, nor at any one time with more than the number of Ten persons, upon pain of incurring a penalty not exceeding the sum of One hundred Pounds in money, and Three Months imprisonment without bail or mainprize for every offence; which offence to be prosecuted in the Supreme Court, or at the General Quarter Sessions, within Six Months after the offence committed and proved by two or more credible witnesses.

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

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

Nor to Addresses of the Council, &c. to the Governor.

II. *Provided always*, That this Act or any thing therein contained, shall not be construed to extend to debar or hinder any person or persons, not exceeding the number of Twenty aforesaid, to present any public or private grievance or complaint to any Member or Members of the Council or Assembly, during the sitting of the General Assembly, or to the Governor, for any remedy to be thereupon had; nor to extend to any Address whatsoever to the Governor, by all or any of the Members of the Council and Assembly, or either of them, during the sitting of the General Assembly, but that they may enjoy their freedom of access to his Excellency, as heretofore hath been used.

CAP. LIX.

An ACT for the speedy Punishment and Release of such Persons as shall commit Criminal Offences under the degree of Grand Larceny.

Persons guilty of and committed for offences un-

I. **BE** it enacted by the Governor, Council, and Assembly, That if any person or persons shall hereafter be guilty of any breach

breach of the Peace, or other criminal offence under the degree of Grand Larceny, and being committed to the common Gaol, shall not within Forty-eight hours after such commitment, give sufficient Bail for his or their appearance at the next General Quarter Sessions of the Peace for the County where such offence shall be committed, then and there to answer for the same, it shall and may be lawful for any three of his Majesty's Justices of the Peace in each County, (*quorum unus*) and if in the City of Saint John, for the Mayor, Recorder and Aldermen for the time being, or any three of them, whereof the Mayor or Recorder shall be one, forthwith to hear and determine the offence committed by such offender or offenders as aforesaid, and on conviction by confession or the Oath of one or more credible witness or witnesses, the said Magistrates are hereby authorized to give judgment against such offender or offenders so committed, to have and receive such corporal punishment (not extending to life or limb) as they in their discretion shall think fit, after which punishment said criminal or criminals, if an Inhabitant or Inhabitants of such County or City, shall immediately be discharged without paying any Fees, but if not an Inhabitant or Inhabitants, he or they shall immediately be ordered out of such County or City, to the place of his, her or their former settlement or place of abode, or out of this Province. And if any person or persons, having been so ordered out of such County or City, shall remain in the same for the space of Five days,

der the degree of Grand Larceny, may be tried by any three Justices *quorum unus*.

How punished.

or return thereto within Twelve Months after such order, the person or persons so remaining or returning shall be forthwith apprehended, and again receive such corporal punishment as said Magistrates shall in their discretion order and direct (not extending to life or limb) as aforesaid:

Charge of prosecution raised, &c as County contingencies.

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

CAP. LX.

An ACT for the Conviction and Punishment of Criminals who shall refuse to plead when arraigned, and for the Trial of those who shall peremptorily Challenge more than Twenty.

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

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

A peremptory challenge of more than 20 Jurors, shall be over-ruled.

II. And if any Prisoner, indicted of a capital crime, shall peremptorily challenge more than Twenty of the Jury, such challenge shall be over-ruled; and the Jurors shall be sworn for the trial of such Prisoner,

as

as if no such challenge had been peremptorily made.

CAP. LXI.

An ACT for the Trial and Punishment of Criminals who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes.

BE it enacted by the Governor, Council, and Assembly, That if any person shall steal or take by robbery, any Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes, for the payment of Money, being the property of any person, persons, or body politic, it shall be deemed a Felony of the same nature and within or without the benefit of clergy in the same manner as it would have been if the offender had stolen or taken by robbery Money or Goods of the like value with the Money due on such Bills of Exchange, Bonds, Warrants, Bills or Notes, or secured thereby and remaining unsatisfied; and the criminal shall suffer like punishment as if he or she had stolen other Goods or Money of the like value, notwithstanding any of the said particulars so stolen, are termed in Law a *chose* in action.

Stealing or robbing of Bills of Exchange, &c. deemed Felony of the same nature as stealing or robbing of Money, &c. and punished accordingly.

See further 29 Geo. 3, c. 7.

Anno Regni GEORGII III. Regis
Vicesimo Septimo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord one thousand seven hundred and eighty-six, and in the twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the thirteenth day of February, One thousand Seven hundred and Eighty-seven; being the second Session of the first Assembly convened in the said Province.

CAP. I.

An ACT for Establishing a Militia in the Province of New-Brunswick, and for regulating the same.

Expined.

CAP. II.

An ACT to authorize the respective Proprietors of certain Islands in the River Saint John, and other Rivers in this Province, to make Rules and Regulations for their better improvement and cultivation.

Preamble.

WHEREAS there are many Islands lying in the River Saint John, and other Rivers in this Province, owned in small rights or shares, and on which division Fences are liable to be carried away by the current and pressure of the water passing in times of freshes over the same.

I. *Be*

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the respective Proprietors of the said Islands may and are hereby authorized to meet once a year, on the first day of the winter Sessions, in the respective Counties in which such Islands are included; and such and so many of the respective Proprietors of the said Islands as shall be present, shall have power by a major vote to make and pass orders, rules and regulations for the managing, improving, and better husbandry of the said Islands, the voices of the respective Proprietors present to be collected according to their respective rights or shares under actual cultivation and improvement. And if any of the said Proprietors shall in disobedience of the votes, orders, rules and regulations, so made and passed, occupy, husband, manage or improve his, her or their respective shares or rights, contrary to such votes, orders, rules and regulations, he, she or they, shall be subject to an action of trespass, for the damage sustained by any Proprietor, and shall forfeit and pay to the use of the Poor of the respective Parish to which the Island containing such shares or rights belong, a fine of Forty Shillings for each and every offence, to be recovered on complaint to a Justice of the Peace, who is hereby empowered to hear and determine the same, provided the said action of trespass or complaint be prosecuted within One Month.

II. And the said votes, orders, rules and regulations, made and passed as aforesaid, shall be reduced to writing, and subscribed

Proprietors of the Islands may meet once a year, on the first day of the winter Sessions, in the County,

and by a major vote may pass orders and rules for the husbandry & improvement of the said Islands, the votes to be collected according to the respective rights or shares under actual cultivation. And if any of the said Proprietors shall disobey the orders and rules so made, they shall be subject to an action of trespass for the damage sustained, and shall forfeit and pay to the use of the Poor of the Town to which the Island belongs, 40s. for every offence, to be recovered before any one Justice of the Peace.

The said votes, &c. shall be reduced to writing, &c. and deposited with the Clerk

of the Peace in the County, and shall be in force but one year.

by the major part of the Proprietors present, collecting their voices as aforesaid, and afterwards deposited with the Clerks of the Peace for the respective Counties, and shall be in force for one year and no longer.

The Proprietors may meet, at times and places fixed by two Justices, &c.

III. *Provided also*, That the said respective Proprietors of the said Islands, may meet at such times and places in the present year as shall be fixed and stated by two Justices in each County, on application of any one or more of said Proprietors.

The water round the Islands shall be deemed a lawful Fence.

IV. And for the security and protection of the said Islands against trespasses, *It is also enacted*, That the water surrounding them and each of them, shall be deemed and taken in Law a lawful Fence.

Act to be in force three years.

V. This Act to continue and be in force for three years and no longer.

Continued to 1st April, 1808. by 38 Geo. 3, c. 1, and 43 Geo. 3, c. 8, and made Perpetual by 47 Geo. 3, c. 15.

CAP. III.

An ACT for laying an Impost.

Expired.

CAP. IV.

An ACT for securing the Purchasers of Mortgaged Estates.

Disallowed by His Majesty in Council, 1790.

CAP. V.

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

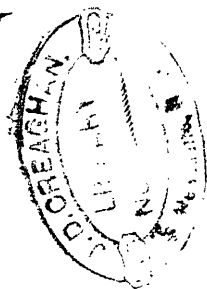
Expired.

CAP. VI.

An ACT to empower the Justices of the General Sessions of the Peace, in the several Counties in this Province, to grant Licenses to Tavern-keepers and Retailers of spirituous Liquors.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Justices of the General Sessions of the Peace, in the several Counties in this Province, shall at their General Sessions or at any Special Session to be for that purpose holden, have full power and authority, and they are hereby authorized and empowered to give and grant Licenses to such persons as they in their discretion shall think fit, being of good fame and character, to license them, and each and every of them, to keep a Tavern, or to sell Wine, Brandy, Rum, Beer, Ale, or any strong Liquors whatsoever, within their respective Counties, by retail or the small measure, under the quantity of Five gallons, and that it shall and may be lawful for the said Justices, or the major part of them, then and there assembled, to ask, demand and receive, for every such License, by them to be given and granted as aforesaid, such sum as they in their discretion shall think fit, not exceeding Four Pounds; nor less than Ten Shillings for each Licence for one year, which sums so to be received shall be paid by the Clerks of the respective Counties into the hands of the respective county Treasurers, to defray such necessary contingent expenses of the County, as such Justices or the major part of them, shall from time to time, by their orders in their General Sessions direct, such Clerks retaining for their trouble

Justices of Peace at Sessions authorized to grant Licenses to Tavern-keepers and retailers of strong Liquors.



And to demand for the same a sum not exceeding £4, nor less than 10s.

Money so arising to be paid into the county Treasury, for defraying County charges.

Fee to Clerk of the Peace.

Two Shillings and Six Pence for each Licence so to be granted, and no more.

Persons licensed to enter into recognizance with sureties for keeping an orderly house, and to obey rules and orders of the Sessions.

II. *And be it further enacted,* That every person so licensed as aforesaid, shall at the time of taking such Licence, enter into recognizance with two good and sufficient sureties to his Majesty, in such sum as the said Justices or the major part of them, then and there assembled shall direct, to keep an orderly house, and obey such rules and regulations as the said Justices in their General Sessions, or the major part of them, then and there assembled, shall from time to time make and ordain, to be observed by Tavern-keepers and Retailers respectively in such County, which rules and regulations the said Justices in their General Sessions as aforesaid, are hereby authorized and empowered to make and ordain.

Persons selling by retail without License, forfeit £5, to be recovered before a Justice of the Peace, and levied by warrant of distress.

III. *And be it further enacted,* That if any person or persons shall sell any Wine, Brandy, Rum, Beer, Ale, or any strong Liquors whatsoever, by retail or the small measure, under the quantity of Five gallons without Licence first had and obtained for that purpose as aforesaid, and entering into recognizance as aforesaid, he, she or they so offending, shall for every offence forfeit and pay the sum of Five Pounds, to be recovered upon complaint made to any one of his Majesty's Justices of the Peace, in the County where such offence shall be committed, upon the Oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to
any

any Constable of the Town or Parish where such offence shall be committed, rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the offender, and if no goods shall be found whereon to levy such distress, it shall and may be lawful for such Justice, by warrant under his hand and seal, to commit such offender to the common Gaol of the County where such offence shall be committed, without bail or mainprize, for such time not exceeding Three Months, nor less than One Month, as such Justice shall in his discretion think fit, unless such penalty and forfeiture, together with the costs and charges, shall be sooner paid, one half of all which penalties and forfeitures shall be paid into the hands of the Overseers of the Poor of the Town or Parish where such offence shall be committed, for the use of the Poor of such Town or Parish, the other half to him or them who shall make complaint and sue for the same.

If no goods found
the offender to be
committed.

IV. *And be it further enacted,* That if any person or persons shall keep a Tavern without having a License given and granted as aforesaid, to him, her or them, for that purpose, and entering into recognizance as aforesaid, or without such License to keep a Tavern, and entering into recognizance as aforesaid, shall entertain any person or persons in his, her or their house, and shall sell to such person or persons so entertained, any Rum, Brandy, Wine, Beer, Ale, or any strong Liquors or mixed Liquors, to be drank and consumed in his, her or their house,

Persons keeping
a Tavern without
License, or enter-
taining persons
and selling strong
Liquors in their
houses, liable to
the same penalty,
to be recovered
and applied in the
same manner.

or any part of such house, such person or persons so offending shall be subject and liable to the same penalty for each and every offence, as persons selling by retail, without License, and without entering into recognizance as aforesaid, are herein before made subject and liable to be sued for, recovered and applied in the same manner, and to the same uses and purposes.

Persons licensed to keep Tavern, to be licensed also to retail.

Provided always, That any person or persons to whom a License shall be granted as aforesaid to keep a Tavern, shall have included in such License a License also to sell any strong Liquors whatsoever by retail, without taking out a separate License so to sell by retail.

This Act to be read at the opening of the General Sessions, and lists of persons licensed delivered to the Grand Jury.

V. *And be it further enacted,* That this Act shall be publicly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several Counties in this Province, and the Justices of such Courts shall at the same time cause a list of all the Tavern-keepers and retailers respectively in their respective Counties, to whom License has been granted as aforesaid, to be delivered to the Grand Jurors at such Courts respectively, and it shall be particularly given in charge to such Grand Jurors, to make diligent inquiry and presentment of all and every such person and persons as shall be guilty of any breach of, or offence against this Act, contrary to the true intent and meaning thereof, and upon such presentment, it shall and may be lawful for the Justices of such Court to proceed against such offenders, in the manner herein before directed, to one Justice

And charge to be given to present offenders.

Justices of General Sessions to proceed on presentment to recover penalties,

Justice to proceed for the recovery of the penalties herein before inflicted, and upon conviction of such offender or offenders, before the Justices of such Court, such penalty and penalties shall upon the recovery thereof be paid into the hands of the respective county Treasurers for the same uses and purposes, and subject to the same orders and directions as the sums to be paid for Licenses, are herein before directed to be applied and subject unto.

in the manner herein before prescribed.

Penalties and forfeitures to be paid into county Treasury.

VI. *And be it further enacted*, That nothing in this Act contained shall extend or be construed to extend to the City of Saint John, but the Licenses to be granted therein shall be granted as heretofore, agreeable to the directions in the Charter of the said City, and the Laws of the Common Council of the said City regulating the same.

This Act not to extend to the city of St. John.

See further 54 Geo. 3, c. 6.

CAP. VII.

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

Refer to 26 Geo. 3, c. 1.

I. *BE it enacted by the Lieutenant-Governor, Council, and Assembly*, That all that tract of Land in the County of Westmorland, beginning fifteen chains east of a Creek about two miles south of Memramcook river, thence northerly on the western line of the Town of Sackville to Chediac harbour, including the Island, thence west on the north line of said County, as far as the east line of the Town of Monkton, thence down said line and the other river Petcudiac, to the

Creation of the Town and Parish of Dorchester, with the bounds.

Town and Parish
of Salisbury, with
the bounds.

first mentioned bounds, be one District, Town and Parish, distinguished by the name of the Town and Parish of Dorchester. That all that tract of Land to the west of the Town of Hillsborough and Monkton, extending the width of the same County, as far as the Portage, between Petcudiac and Salmon brook, be one Town and Parish, distinguished and known by the Town and Parish of Salisbury.

Dividing line between the County of Westmorland and King's and Queen's.

II. *And be it further enacted*, That a line due south from the north end of the said Portage to the northern boundary of the County of St. John, and from the said north end of the said Portage due north to the southern boundary of the County of Northumberland, be the dividing line between the County of Westmorland and the Counties of King's and Queen's, any Law or Ordinance to the contrary notwithstanding.

See further 41 Geo. 3, c. 6.

CAP. VIII.

For former provisions, refer to 26 Geo. 3, c. 42.

An ACT in addition to an Act, intituled "an Act for Assessing, Collecting and Levying County Rates."

Mayor, Aldermen and Commonalty of Saint John, empowered to appoint Assessors and Collectors of rates and taxes.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, and they are hereby authorized and empowered to appoint such and so many Assessors and Collectors as they in their discretion shall think fit, for the assessing, levying and collecting all such rates, taxes and assessments, as shall from time to time be required to be levied

vied and assessed upon the Inhabitants of the said City, by virtue of the said recited Act, or of any other Law for raising or assessing any sum or sums of Money upon the Inhabitants of the said City. And such Assessors so to be appointed, and all such Assessors as have been heretofore appointed by the said Common Council by virtue of any Law of this Province, shall be and they are hereby made subject and liable to the same rules, regulations, restrictions, penalties and forfeitures, as the Assessors of any Town or Parish in this Province are by Law made subject and liable to. And all Collectors to be appointed, or that have been already appointed by the said Common Council, shall be and they are hereby made subject and liable to the same duties, rules, restrictions, regulations, penalties and forfeitures, as any Constables in any Town or Parish in this Province are by the said herein before recited Act made subject and liable to.

Such Assessors subject to the same rules, penalties, &c. as Parish Assessors.

And such Collectors also subject to the same rules, penalties, &c. as Constables are subject to.

See further 29 Geo. 3, c. 3, and 3 Geo. 4, c. 24.

CAP. IX.

An ACT for more effectually securing the Title of Purchasers of Real Estates against Claims for Dower.

WHEREAS some doubts have arisen concerning the conveyance of Dower by the wife, in her husband's life-time, in the manner and form now in practice; In order therefore to prevent any difficulty that may hereafter arise touching the same,

Preamble.

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That no Deed of bargain and sale, or other conveyance of any Lands,

No Deeds of Lands in which any *feme covert*

has right of dower, shall bar such right unless executed by her, and acknowledged on separate examination before a Judge.

Lands, Tenements or Hereditaments in which any *Feme Covert* is or may be intitled to a right of Dower, shall be valid and sufficient to bar such right or the recovery thereof, after the decease of her husband, unless such *Feme Covert* or married woman shall sign, seal and deliver such Deed, and shall also appear before some one of his Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several Counties of this Province, and being examined separate and apart from her said husband, shall declare that she executed the same freely and voluntary without any threat, fear or compulsion from him, which acknowledgment and declaration shall be entered on such Deed, and registered with the same, and shall be an effectual bar to her recovery of Dower in and to the premises.

See further 32 Geo. 3, c. 2, and 33 Geo. 3, c. 5, where consideration does not exceed £200. See also 52 Geo. 3, c. 20, where Grantees or Bargainor lives in any Foreign State.

CAP. X.

An ACT to enable the Justices of the Peace in the several Counties in this Province, wherein no sufficient Gaols are erected, to send Persons charged with Grand Larceny and other offences of a higher nature, to the Gaol of the City and County of St. John.

Expired.

CAP. XI.

An ACT in addition to an Act, intituled "an Act for regulating the Exportation of Fish and Lumber and for ascertaining the quality of the same."

Repealed. But see 59 Geo. 3, c. 11 and 13.

CAP. XII.

An ACT for appropriating and Disposing of the Public Monies.

Expired.

Anno

Anno Regni GEORGII III. Regis
Vicesimo Octavo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord one thousand seven hundred and eighty-six, and in the twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the fifteenth day of July, One thousand Seven hundred and Eighty-eight; at Frederieton; being the third Session of the first Assembly convened in the said Province.

CAP. I.

An ACT for continuing and amending an Act, intituled, "an Act
" for laying an Impost."

Expired.

CAP. II.

An ACT in addition to an Act, intituled, "an Act for Relief against
" Absconding Debtors."

Refer to 26 Geo.
3, c. 13.

WHEREAS in the said Act for relief
against Absconding Debtors, there
is no sufficient provision made for relief
against Debtors who have departed from this
Province, who have Estates or Effects in the
Province, and who may remain out of it to
prevent their Creditors from recovering or
getting hold of such Estates or Effects, there-
fore---

Preamble.

I. Be

The Estates real and personal of every person and persons indebted in the sum of 40s or upwards, who have departed or may depart from the Province, made subject to be seized and disposed of.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the Estates, goods, chattels and effects, real and personal, of all and every such person and persons indebted in the sum of Forty Shillings or upwards, who have departed, or may depart from this Province, may be subject and liable to be taken, seized, proceeded against, sold, conveyed and disposed of for the payment and satisfaction of their debts, as near as may be, in like manner as the Estates and effects of other Debtors, in and by the above recited Act are made subject and liable to. *Provided always,* That instead of the proof of absconding or concealment of such Debtor or Debtors, the Creditor or Creditors, or his or their Attorney, who shall apply for any attachment against the Estate or effects of any person or persons who have departed or may depart from the Province, shall make proof by one or more witness or witnesses, to the satisfaction of the Judge or Judges to whom application for such attachment shall be made, that such Debtor or Debtors departed from the Province after the debt was contracted, and has or hath not resided within this Province for the term of Six Months next preceding such application; And *also Provided,* That in any such case no Trustees shall be appointed until the expiration of Six Months after such public notice as is required to be given by the before recited Act.

Instead of proof of absconding or concealment, the Creditor or his Attorney applying for an attachment to make proof that such Debtor departed from the Province after the debt was contracted, and has not resided within the Province for Six Months next preceding such application.

No Trustees to be appointed until Six Months after public notice.

Act to be in force as to the power of Judges until 1st Feb. 1792;

II. *And be it further enacted,* That this Act shall continue and be of force as to the power of Judges to grant warrants of attachment pursuant hereto, and exercise the powers hereby

hereby given, until the first day of February, which will be in the year of our Lord One thousand Seven hundred and Ninety; and from thence to the end of the then next Session of the General Assembly, but shall continue and be in force as to the power of every Court, Person and Trustees, that shall be appointed by virtue of this Act before its abovementioned limitation, and have any duty or thing hereby enjoined or required to be done, until a full and final settlement and distribution shall be made by them and finished according to the true intent and meaning of this Act.

And as to the power of Trustees, until a final settlement and distribution.

Continued by 38 Geo. 3, c. 1, and 43 Geo. 3, c. 8, to March, 1808, and made Perpetual by 47 Geo. 3, c. 15.

CAP. III.

An ACT in addition to an Act, intituled, "an Act for the better Extinguishing Fires that may happen within the City of Saint John." Refer to 26 Geo. 3, c. 47.

WHEREAS in and by an Act made and passed in the Twenty-sixth year of his Majesty King George the Third, intituled, "an Act for the better extinguishing Fires that may happen within the City of Saint John," the number of Firemen of the said City of Saint John, to be appointed by virtue of the said Act, is limited to Thirty-two, and that number is found by experience to be insufficient; and whereas it is fit and expedient to give all due encouragement to the said Firemen, to be watchful and diligent in the discharge of their duty.

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the number*

The number of Firemen of the City of St. John, increased to Forty,

number of Firemen of the City of St. John, to be appointed by virtue of the said herein before recited Act, shall and may be increased and extended to Forty and no more, any thing in the said Act contained to the contrary notwithstanding.

who during their continuance in that office, are to be exempted from serving upon any Jury except in the Supreme Court.

II. *And be it further enacted*, That the said Firemen, in addition to the privileges and exemptions contained in the said Act, shall also during their continuance in the office of Firemen, be freed, exempted and privileged from serving upon any Jury, in the Court of Quarter Sessions, or in the Inferior Court of Common Pleas for the City and County of Saint John, or in the City Court of the said City of Saint John, in like manner and under the same conditions and regulations as they are in and by the said Act freed, privileged and exempted from the several offices of Constable and Surveyor of the Highways, and from being compellable to serve in the Militia, except in cases of Invasion or other imminent danger.

See further 52 Geo. 3, c. 17, and 56 Geo. 3, c. 2-

CAP. IV.

An ACT to provide for the Support of a Light-House, to be built upon Partridge Island.

Preamble.

WHEREAS it is necessary and expedient, that provision should be made for the support of a Light-House to be erected upon Partridge Island, lying at the entrance of the harbour of the City of St. John; for the safety of Vessels coming into and going out of the said harbour.

1st and 3d Sections Repealed by 4 Geo. 4, c. 26. § 1.

II. *And*

II. *And be it further enacted*, That no vessel shall be deemed a Fishing vessel within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a Coaster, excepting such as shall be wholly employed within the Bay of Fundy.

No vessel to be deemed a fishing vessel excepting those wholly employed in that business, nor a Coaster, &c.

IV. *And be it further enacted*, That all Monies arising by the aforesaid duties, shall be applied towards the support of the said Light-House, to be issued for that purpose, by warrant under the hand and seal of the Lieutenant-Governor or Commander in Chief of the Province for the time being; and in case there be more Monies raised than is necessary for the support of the said Light-House the surplusage to be disposed of by an Act or Acts of the Lieutenant-Governor, Council and Assembly, to be passed for that purpose.

Monies to be issued by warrant from the Governor or Commander in Chief.

Surplusage to be disposed of by an Act of the General Assembly.

See further 33 Geo. 3, c. 4, and 4 Geo. 4, c. 26.

CAP. V.

An ACT to continue sundry Acts of the General Assembly which are near Expiring.

Expired.

CAP. VI.

An ACT for Regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.

Expired. But see 33 Geo. 3, c. 9.

CAP. VII.

An ACT in addition to an Act, intituled, "an Act for Regulating
"Pilots."

Expired.

CAP.

CAP. VIII.

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.

Justices of the Sessions for the several Counties in the Province, except St. John, authorized to make rules and establish rates & fares.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of the Peace for the several Counties in this Province, except the County of Saint John, be and hereby are authorized and empowered to make and ordain such rules and regulations and establish such rates and fares for the better government and management of the Markets and Ferries within their respective Counties, as they shall from time to time judge necessary.

And to affix penalties, not exceeding £5.

And that the said Justices shall and may affix such penalties, not exceeding Five Pounds, as they may think necessary for the carrying into execution such rules and regulations, and for the establishing such rates and fares; so by them to be made and established, such penalties to be recovered on the Oath of one or more credible witness or witnesses, before any two of his Majesty's Justices of the Peace for the County where the penalty shall be incurred, and to be levied by warrant of distress and sale of the offender's goods, one half to the Informer, and the other half to the use of the Poor of the Town or Parish where the offence shall be committed.

To be recovered on the Oath of one or more witnesses,

And levied by warrant of distress and sale of the offender's goods, one half to the Informer, the other half to the Poor.

Limitation of the Act.

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

Continued to 1st April, 1808, by 38 Geo. 3, c. 1, and 43 Geo. 3, c. 8, and made Perpetual by 47 Geo. 3, c. 15.

See 50 Geo. 3, c. 18, made in addition hereto.

CAP. IX.

An ACT to amend an Act, intituled, "an Act for regulating the
" Exportation of Fish and Lumber, and for ascertaining the Qua-
" lity of the same."

Repealed.

See 59 Geo. 3, c. 11 and 13.

CAP. X.

An ACT for Appropriating and Disposing of the Public Monies.

Expired.



Anno Regni GEORGII III. Regis
Vicesimo Nono.

At the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the Sixth day of October, One thousand Seven hundred and Eighty-nine, at Fredericton; being the fourth Session of the first Assembly convened in the said Province.

CAP. I.

An ACT for erecting a Parish in the City of Saint John, and Incorporating the Rectors, Church-wardens and Vestries of the Church of England, in the several Parishes in this Province.

The Parish of
Trinity Church
in the City of St.
John, established.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Parish of the Church commonly called and known by the name of Trinity Church, in the City of Saint John, shall comprehend all the Lands lying and being in the City of Saint John, and shall be known and called by the name of the Parish of Saint John.

The Rector,
Church-wardens
and Vestry
of the said
Church and their
successors incor-
porated by the
name of "The

II. *And be it further enacted, That the present Rector, Church-Wardens and Vestry of the said Church, and their successors for ever, shall be a body politic and corporate in deed and name, and shall have succession for*

for ever by the name of "*The Rector, Church-Wardens and Vestry of Trinity Church, in the Parish of Saint John,*" and by that name shall sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever in this Province; and shall have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements and hereditaments, and improve and use the same for the benefit and advantage of the said Church, according to their best discretion and the true intent and meaning of the donors; where such goods and chattels, lands, tenements or hereditaments, shall be given, devised or bequeathed, to the use and benefit of the said Church, any Law, usage or custom to the contrary notwithstanding. *Provided always,* That the amount of the annual rents, profits and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of Five hundred Pounds.

III. *And be it further enacted,* That the Parishioners of the said Parish, shall on the first Monday after Easter, forever hereafter, yearly and every year, assemble and meet together at the said Parish Church, and shall then and there by a plurality of voices, elect and choice two fit persons belonging to the said Parish to be Church-Wardens for the year ensuing, and any number not exceeding Twelve, of other fit persons, belonging to the said Parish, to be Vestrymen for the year ensuing; who shall thereupon enter

"Rector, Church
"Wardens, and
"Vestry of Tri-
"nity Church, in
"the Parish of St.
"John."

And to have capacity to purchase and receive for use of the said Church, goods, chattels, lands, & tenements.

The Parishioners to meet on the 1st Monday after Easter in every year, at the said Parish Church, to chuse two Church Wardens, and any number not exceeding 12, of Vestrymen.

into the execution of their respective offices, and shall continue in the same until other fit persons shall be chosen in their stead.

The lots of Land conveyed to the use of the said Church, and the said Church lately erected on the said lots, vested in the said Rector, Church-Wardens, and Vestry.

IV. *And be it further enacted*, That the several lots of Land already purchased or conveyed to the use of the said Church, for the purpose of erecting the said Church thereon, and also the said Church lately erected on the said Lots, shall be and remain fully and absolutely vested in the said Rector, Church-Wardens and Vestry, and their successors for ever, as a good and absolute estate in Fee Simple, for the use, trust and benefit aforesaid, and shall be so deemed and taken in all Courts of Law and Equity in this Province, any Law, usage or custom, to the contrary notwithstanding.

The Rector, Wardens and Vestry, to have power to sell or let Pews, or the Lands, and by the improvement and use of goods, lands, &c. to finish and repair the Church, provide furniture, bells, &c. and pay salaries.

V. *And be it further enacted*, That the said Rector, Church-Wardens and Vestry, or the major part of them assembled, upon due notice publicly given, shall have full power and authority to have, use and take, all such ways, means and methods, as in their discretion they shall think meet, by the absolute sale of or by letting to hire, or other disposal of the Pews of the said Church, or the said Lands and Ground, and by the improvement and use as aforesaid of such goods, chattels, lands, tenements and hereditaments, as shall be hereafter purchased or given to the use and benefit of the said Church, to compleat and finish the said Church, and repair the same from time to time, and to provide goods, furniture, ornaments and bells; and to pay the salaries and other allowances to the Rector, Organist, Clerk and Sexton of the same Church,

Church, and to the Clerk of the Vestry ; and to defray all other necessary future expenses for the use and benefit of the said Church.

VI. *And be it further enacted,* That the Rectors, Church-Wardens and Vestries of the several and respective Churches already erected in the several and respective Parishes in this Province, and also of such Churches as shall be hereafter erected, and their respective successors for ever, shall, as soon as they are respectively inducted and appointed, be bodies politic and corporate in deed and name, and shall have succession for ever, by the name of the Rector, Church-Wardens and Vestry of the several and respective Churches to which they belong ; and this Act and every clause, direction, authority and power in the same contained, shall extend and be in force for all such Churches, in the same manner as if the said clauses, directions, authorities and powers were particularly re-enacted and applied to such Churches respectively.

The Rectors, Church-wardens & Vestries of the Churches erected and to be erected in the several Parishes in the Province, incorporated.

VII. *And be it further enacted,* That in case of the death or absence from the Province, of the respective Rectors of the said Churches for the time being, and where no Rectors shall have been appointed, the Church-Wardens and Vestry in such Parishes shall, during such vacancy or absence, have the full powers and authorities that are herein before given to the Rector, Church-Wardens and Vestry of such Churches respectively.

In case of the death or absence of the Rectors, the Church-wardens and Vestry to have the same authority as the Rector, Church-wardens, &c.

VIII. *And be it further enacted,* That henceforth no Corpse shall be interred within or under the said Church in the City of Saint

No Corpse to be interred under any Church, nor within 100 yards of Trinity Church.

John, or within one hundred yards from the walls of the said Church ; or within or under the walls of any Church already erected or hereafter to be erected in this Province.

See further 50 Geo. 3, c. 27, declaring qualification of Church-Wardens and Vestry ; and see also 56 Geo. 3, c. 11.

CAP. II.

Refer to 26 Geo. 3, c. 7.

An ACT to repeal an Act, intituled, "an Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them."

Preamble.

WHEREAS an Act made and passed in the twenty-sixth year of his present Majesty's reign, intituled, "an Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them," has in its execution been attended with effects subversive of the general principle of Law which restrains Grand Juries to enquire and examine Witnesses for, and on the part of the King only.

Act of the 26th of Geo. 3, repealed.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the said Act, and every clause, matter and thing therein contained, be repealed, and no longer of any validity, force or effect whatsoever ; And that the powers and authority therein given to the Foreman of any Grand Jury or Grand Juries, henceforth cease and determine, and be utterly null and void.

CAP. III.

For former provisions refer to 26 Geo. 3, c. 42, and 27 Geo. 3, c. 8.

An ACT in amendment of an Act, intituled, "an Act for Assessing, Collecting and Levying County Rates."

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That so much
of

of the Act, intituled, " an Act for assessing, " collecting and levying County Rates," and every such clause therein as makes it lawful for any Inhabitant of any Town or Parish, in case he shall so chuse, instead of paying the sum to be assessed upon him by virtue of the said Act, to contribute a proportion of labour, shall be, and the same is hereby repealed.

Part of the " Act
" for assessing,
" collecting and
" levying Coun-
" ty Rates"—re-
pealed.

II. *And be it further enacted,* That in all such Counties in this Province, where the Justices of the Peace at their general or special Sessions held for that purpose, have purchased or agreed and contracted to purchase any house or building to be used and occupied as a Gaol or Court-House in such Counties respectively, or shall hereafter purchase or agree and contract to purchase any house or building to be used and occupied as a Gaol or Court-House in such Counties respectively, such Justices shall have full power and authority by warrant under their hands and seals, or under the hands and seals of the greater number of them to be directed to the Assessors of the several and respective Towns or Parishes in their respective Counties, by equal proportion to distribute and charge the sum or sums of money so given, or agreed and contracted to be given for such house or building for the use and purpose of a Gaol or Court-House as aforesaid, upon the several Towns or Parishes in such Counties respectively, in like manner and as fully to all intents and purposes, as such Justices in and by the said recited Act may distribute and charge the sum or sums of money to be

Where the Jus-
tices of the Peace
have purchased
any building to
be used as a Gaol
or Court-house,
or shall hereafter
purchase any
building to be
used for that pur-
pose, such Jus-
tices have power
to distribute and
charge the sum
so given or con-
tracted to be given
for such build-
ing, upon the
several Towns or
Parishes, in like
manner as such
Justices may dis-
tribute and charge
the sum to be le-
vied for the pur-
pose of building
and finishing a
public Gaol or
Court-house, by
virtue of the said
Act.

The Assessors to apportion the quota of the sum to be distributed and charged by virtue of this Act, upon the Towns or Parishes,

levied by virtue of the said Act, for the purpose of building and finishing a public Gaol or Court-House in and for such Counties respectively. And the Assessors for the said Towns or Parishes respectively, shall apportion the quota of the said sum or sums, so to be distributed and charged by virtue of this Act, upon the respective Towns or Parishes, in like manner as the said Assessors are authorized to apportion the sum or sums of money to be levied by virtue of the said recited Act, for the purpose of building and finishing a public Gaol or Court-House in and for such Counties respectively. And such sum and sums of money so to be distributed, charged and apportioned by virtue of this Act, shall and may be levied, collected and paid in like manner and under the same restrictions, regulations, penalties and forfeitures, in every respect as any sum or sums of money can be levied, collected and paid by virtue of the said herein before recited Act; any thing in the said herein before recited Act to the contrary notwithstanding.

Not to levy more than £300 for building Gaol & Court-house, or purchasing any building for that purpose.

III. *And be it further enacted*, That it shall not be lawful for the Justices of the Sessions in any County in this Province to levy more than the sum of Three hundred Pounds, for the purpose of building and finishing a Gaol and Court-House by virtue of the said herein before recited Act, or for the purpose of paying for or purchasing any buildings for a Gaol and Court-House in their respective Counties by virtue of this Act; any thing in this Act or in the said recited Act to the contrary notwithstanding.

IV. *And*

IV. *And be it further enacted*, That the said herein before recited Act, and every clause, matter and thing therein contained, not herein before altered and repealed, shall be and remain in full force; any thing herein before contained to the contrary notwithstanding.

The said recited Act, except as herein altered and repealed, to remain in force.

See further 3 Geo. 4, c. 24.

CAP. IV.

An ACT to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary.

Expired.

CAP. V.

An ACT to continue and amend an Act, intituled, "an Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province."

Expired.

See further 33 Geo. 3, c. 9.

CAP. VI.

An ACT for laying an Impost.

Expired.

CAP. VII.

An ACT relating to the Punishment of Persons convicted of Felony within the Benefit of Clergy.

WHEREAS the Punishment of Burning in the Hand, when any person is convicted of Felony within the Benefit of Clergy, is often disregarded and ineffectual.

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly*, That from and after the passing of this Act, when any person shall be lawfully convicted of any Felony within the Benefit of Clergy, for which he or she is liable

Courts empowered to punish persons convicted of Felony within the benefit of Clergy, by fine,

liable to be burned or marked in the brawn of the left thumb ; it shall and may be lawful for the Court before which any person shall be so convicted, or any Court holden for the same place with the like authority, if such Court shall think fit, instead of such burning or marking, to impose upon such offender, such pecuniary fine as to the Court in its discretion shall seem meet ; or otherwise it shall be lawful, instead of such burning and marking in any of the cases aforesaid, except in the case of Manslaughter, to order and adjudge that such offender shall be once or oftener, but not more than Three times, either publicly or privately whipped ; such private whipping to be inflicted in the presence of not less than two persons, besides the offender and the officer who inflicts the same, and in case of Female offenders, in the presence of Females only : And such fine or whipping so imposed or inflicted, instead of such burning or marking, shall have the like effects and consequences to the party, on whom the same or either of them shall be so imposed or inflicted with respect to any discharge from the same or other Felonies, or any restitution to his or her Estates, capacities and credits, as if he or she had been burned or marked as aforesaid.

or except in cases of manslaughter, by whipping public or private.

Mode of inflicting private whipping.

This punishment to have the same legal consequences as burning in the hand.

The Court may also sentence the offender to a house of correction, work-house or prison,

II. *And be it further enacted*, That the Court before which any person shall be so convicted as aforesaid of any of the Felonies aforesaid, or any Court holden for the same place with the like authority, may also in its discretion, after such burning or marking, or after such whipping or fine as may by vir-
tue

tue of this Act be inflicted or imposed instead thereof, award and give judgment that such offender as aforesaid shall be committed to some House of Correction or Public Work-house or Prison within the County, City or place where such conviction shall be, there to be, remain and be kept, without bail or mainprize, for such time as such Court shall then judge and award, not less than Six Months and not exceeding two years, to be accounted from the time of such conviction; and an entry thereof shall be made of record pursuant to such judgment and award; and such offender so judged and awarded, to remain and be kept in such House of Correction, Public Work-house or Prison, shall be there set at work and kept at hard labour, for and during such time as shall be so adjudged and awarded. And in case such person shall refuse or neglect to work and labour as they ought to do, the Master or Keeper of such House of Correction, Work-house or Prison respectively, is hereby required to give such Person such due correction as shall be fit and necessary in that behalf,

there to remain not less than six months, nor longer than a years;

to be kept at hard labour—

and in case of refusing to work, to be corrected by the master or keeper.

CAP. VIII.

An ACT for reviving and continuing and amending sundry Laws that have expired and are near expiring.

Expired.

CAP. IX.

An ACT for Appropriating and Disposing of the Public Monies.

Expired.

Anno Regni GEORGII III. Regis
Tricesimo Primo.

At the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the First day of February, One thousand Seven hundred and Ninety-one, at Fredericton; being the fifth Session of the first Assembly convened in the said Province.

CAP. I.

AN ACT to continue an Act, intituled, "an Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary."
Expired.

CAP. II.

AN ACT to declare that no Law passed in the General Assembly of the Province of Nova-Scotia, before the Erection of the Province of New-Brunswick, shall be of force in the Province.

No Law of Nova-Scotia to be of force in this Province.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That no Law passed in the General Assembly of the Province of Nova-Scotia, before the erection of the Province of New-Brunswick, shall be of any force or validity whatever in this Province; or so deemed or taken in any Court of Law or Equity within the same. *Provided*, That this Act shall have no retrospective force or operation.

CAP.

CAP. III.

An ACT in addition to and in amendment of an Act, intituled,
 “ an Act for laying out, repairing and amending Highways,
 “ Roads and Streets, and for appointing Commissioners and
 “ Surveyors of Highways within the several Towns or Parishes
 “ in this Province.”

Suspended for 5 years by 36 Geo. 3. c. 7, and for 5 years further by 41 Geo. 3, c. 7; and further Suspended by 50 Geo. 3, c. 6, during the continuance of that Act.

CAP. IV.

An ACT for the Recovery of Small Debts.

Expired.

CAP. V.

An ACT for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication.

WHEREAS it is necessary in order to Preamble
 the keeping up of a decent and regular society, that the Matrimonial union be settled and limited by certain rules and restraints; and the state of this Province requires some provisions in this behalf, as also for cases of divorce and alimony.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That when any persons of lawful age and capacity to make a contract of Marriage, shall make known to any Parson, Vicar, Curate or other person in Holy Orders of the Church of England, in the Town or Parish where they respectively reside, or in case there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England, in such Town or Parish, then to any of his Majesty's Justices of the Peace, being of the Quorum,* in the County where they respectively reside,

Persons making known to any Clergyman of the Church of England,

or to any Justice of the Quorum,

* Powers extend-

ed to Justices not
of the Quorum,
in St. John, by
32 Geo. 3, c. 2.

their intention of
marrying, such
Clergyman shall
publish the banns
Three Sundays
successively,

or such Justice
shall advertise
the same on Three
Sundays succes-
sively,

and if no impedi-
ment, such or any
other Clergyman
of the Church of
England or such
Justice, to so-
lemnize marriage.

side, their intention of making a contract of Marriage, such Parson, Vicar, Curate or other person in Holy Orders of the Church of England, shall cause proclamation to be made with an audible voice of such intention of Marriage at some Church, Chapel, or other public place of meeting for Religious worship in the Town or Parish, or Towns and Parishes where such parties and each of them respectively reside, during the time of divine service, on Three Sundays successively, or in case there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England as aforesaid, such Justice of the Peace as aforesaid, shall cause a notification of such banns of Matrimony in writing subscribed with the hand of such Justice of the Peace, to be affixed to some visible part of such Church, Chapel, or other public place of meeting for Religious worship, or some other public building to be directed and appointed by such Justice of the Peace and situate as aforesaid, on Three Sundays successively: And if there shall be no lawful impediment or objection after such publication or notification of banns as aforesaid, it shall and may be lawful for such or any other Parson, Vicar, Curate or other person in Holy Orders of the Church of England, or any such Justice of the Peace as aforesaid, where there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England as aforesaid, and they are hereby respectively authorized to solemnize and take the acknowledgment of Marriage between such parties. *Provided,*
that

that in case they or either of them are within the age of Twenty-one years, consent thereto be first had of the Father or Guardian of the party or parties within the age last mentioned. *Provided also*, that any Marriage so to be solemnized by any such Justice of the Peace as aforesaid, shall be solemnized and performed in the manner and form which shall be directed by the Governor, Lieutenant-Governor or Commander in Chief of the Province.

If either party be within 21 years, consent of the parent to be first had.

Justices of the Peace to use the form directed by the Governor.

II. *And be it further enacted*, That if any Parson, Vicar, Curate or other person in Holy Orders of the Church of England, or any such Justice of the Peace as aforesaid, shall presume to solemnize or celebrate Marriage between any persons whatsoever, before proclamation or notification of banns of Matrimony between them made in form aforesaid, except a Licence be first had and obtained therefor by and under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief of this Province, he shall forfeit and pay to his Majesty the sum of Twenty Pounds, to be recovered with costs of suit, by bill, plaint or information, in the Supreme Court of Judicature. *Provided always*, that every prosecution for any offence, penalty, or forfeiture in this clause contained, shall be commenced within the space of Twelve Months after such offence committed, and not afterwards.

Any Clergyman of the Church of England or Justice of the Peace celebrating Marriage before publication, without licence, to forfeit £20.

Prosecution to be commenced within Twelve Months.

III. *And be it further enacted*, That if any person other than a Parson, Vicar, Curate, or some person in Holy Orders of the Church of England, or some such Justice of the Peace

Any person other than a Clergyman of the Church of England, or Justice of Peace celebrating or assisting in any Marriage,

Peace where there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England as aforesaid, shall presume to solemnize or celebrate Marriage, or shall officiate or assist in solemnizing or celebrating or making any Marriage or contract of present Marriage between any persons whatsoever, or if any such Parson, Vicar, Curate or other person in Holy Orders of the Church of England, or any such Justice as aforesaid, shall solemnize or celebrate Marriage, or shall officiate or assist in solemnizing or celebrating, or making any Marriage contrary to the provisions and the true intent and meaning of this Act, every such offender who shall be thereof convicted upon indictment or information of His Majesty's Attorney General before the Supreme Court of Judicature or any Court of Oyer and Terminer or Gaol delivery, shall for every offence forfeit and pay a fine to the King, not exceeding One hundred Pounds, nor less than Fifty Pounds, and suffer Twelve Months imprisonment. *Provided always*, that nothing in this Act contained shall extend or be construed to extend to prevent any Minister of the Kirk of Scotland regularly ordained according to the rights thereof, from celebrating and solemnizing Marriage agreeable to the forms and usages of that Church between persons of that communion. *Provided also*, that nothing herein contained shall extend or be construed to extend to prohibit or restrain persons called Quakers from the full and free liberty of solemnizing Marriage according to the usages, forms,

contrary to the meaning of this Act,

to be fined not more than £100 nor less than £50 for every offence, and imprisoned.

Not to extend to Ministers of the Kirk of Scotland,

nor to Quakers,

forms and customs of that sect, in case both parties to such Marriage are Quakers. And *Provided also*, that nothing in this Act shall extend or be construed to extend to prohibit or restrain any person regularly ordained in Holy Orders of the Church of Rome from solemnizing Marriage agreeable to the forms of their Church between persons of that communion only.

4th Section Repealed by 52 Geo. 3. c. 21, § 1.

V. *And be it further enacted*, That all causes, suits, controversies, matters and questions touching and concerning Marriage and contracts of Marriage and divorce, as well from the bond of Matrimony as divorce and separation from bed and board and alimony, shall and may be heard and determined by and before the Governor or Commander in Chief of this Province and his Majesty's Council: And that the Governor or Commander in Chief and Council aforesaid, or any five or more of the said Council, together with the Governor or Commander in Chief as President, be and they are hereby constituted, appointed and established a Court of Judicature in the matters and premises aforesaid, with full authority, power and jurisdiction in the same. *Provided*, and it is hereby declared that nothing herein contained shall deprive, diminish, control, obstruct or abridge, or be construed, deemed or extended to deprive, diminish, control, obstruct or abridge in any manner the rights, powers, authority, judicature or jurisdiction of the Court of Chancery or of the Supreme Court of Judicature or of any Inferior Court of

nor Clergymen of the Church of Rome.

All controversies concerning Marriage and Divorce to be determined by the Governor and Council,

who are constituted a Court for that purpose.

Nothing in this Act to control the rights of any Court,

and no sentence of the Court of Governor and Council to affect the right of action of any person.

this Province, in and touching the matters and premises aforesaid or any of them, and that no sentence, decree, judgment or proceeding of the said Court or Governor or Commander in Chief and Council, in any information, prosecution, suit or process touching and concerning any Marriage or contract of Marriage or divorce or alimony, shall take away, annul, bar, suspend or in any wise alter or affect the right of action of any person or persons for any injury or damage sustained for or by reason of any breach of any covenant or contract of Marriage.

Terms of holding the Court of Governor and Council.

* Altered to First Tuesday in July, by 48 Geo. 3, c. 3.

VI. *And be it further enacted,* That the fixed and stated terms of holding the said Court of the Governor and Council for the purposes and causes herein mentioned, shall be and commence on the First Tuesday in February and the Third Tuesday in July* in each and every year, and shall continue during the space of Ten days.

The Governor or Commander in Chief to appoint a Deputy in the said Court.

VII. *And whereas,* The arduous affairs of Government may render it impossible for the Governor or Commander in Chief at all times to preside in person in the Court aforesaid,

Be it further enacted, That it shall and may be lawful for the Governor or Commander in Chief, by warrant or commission under his hand and seal, to depute, constitute and appoint the Chief Justice, or either of the Justices of the Supreme Court of Judicature or the Master of the Rolls, to preside in his place and stead in the said Court of the Governor and Council, and to have, hold and exercise all the powers, privileges, authority and jurisdiction of the Governor or
Com-

Commander in Chief in the same Court, and that such Deputy or Vice-President, shall have, hold and exercise all such powers, privileges, authority and jurisdiction accordingly as are hereby given and granted to the Governor or Commander in Chief in the same Court, in all the causes, matters and things therein cognizable by this Act.

VIII. And for the more effectually preventing and punishing of Incest, Adultery, Fornication and all acts of lewdness and unlawful cohabitation and intercourse between Man and Woman,

Be it further enacted, That every person who shall be hereafter lawfully convicted of any of the crimes aforesaid, before the Supreme Court of Judicature or any Court of Oyer and Terminer and Gaol Delivery in this Province, shall be punished by fine and imprisonment, or either of them, at the discretion of the Court in which such offender or offenders shall be convicted.

Persons convicted of Incest, &c. to be punished at the discretion of the Court.

IX. *And it is hereby declared and enacted,* That the causes of divorce from the bond of Matrimony and of dissolving and annulling Marriage are and shall be frigidity or impotence, adultery and consanguinity, within the degrees prohibited in and by an Act of Parliament made in the Thirty-second year of the reign of King Henry the Eighth, intitled, "an Act for Marriages to stand, notwithstanding pre-contracts," and no other causes whatsoever.

Causes of divorce.

X. *Provided always, and be it further enacted,* That in case of a sentence of divorce from the bond of Matrimony or Marriage for

In cases of divorce, for Adultery, the issue not to be bastardized,

the cause of Adultery, the issue of such Marriage shall not in any case be bastardized or in any way prejudiced or affected with any disability thereby. *Provided also*, That the wife in such case shall not be thereby barred of her dower, or the husband be thereby deprived of any tenancy by the courtesy of England, unless it shall be so expressly adjudged and determined in and by such sentence of divorce.

nor the wife barred of dower, nor husband deprived of tenancy.

The Act passed in the 27th year of His Majesty's reign, repealed.

XI. *And be it further enacted*, That an Act made and passed in the Twenty-seventh year of his present Majesty's reign, intituled, "an Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication," be and the same is hereby repealed, and declared to be utterly null and void.

See further 48 Geo. 3, c. 3, and 52 Geo. 3, c. 2 and c. 21, and 54 Geo. 3, c. 12.

CAP. VI.

For former provisions refer to 26 Geo. 3, c. 6.

An ACT in addition to an Act, intituled, "an Act for Regulating Juries and declaring the Qualification of Jurors."

Sheriffs of the Counties once a year to make out a list of Jurors,

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That the Sheriffs of each County shall once a year, viz. on or before the First day of May, make out a list of all persons qualified to serve upon Juries, who have resided within the said County for Three Months preceding, with their titles and additions, between the age of Twenty-one years and the age of Sixty years, and return the same into the office of the Clerk of the Peace in their respective Counties,

and return it into the Clerk's office,

Counties, which Clerks respectively shall cause the same to be fairly entered in a book to be by them provided and kept for that purpose, among the records of the Sessions of the said County: And each and every Sheriff who shall neglect to make out and return such list, shall forfeit and incur the penalty of Ten Pounds, to be paid into the hands of the Treasurers of the respective Counties, for the use of the County, to be recovered by bill, plaint or information, in any Court of Record, having jurisdiction thereof. And no Sheriff shall impanel or return any person or persons to try any issue joined in any Court of Record in this Province, that shall not be named and mentioned in such list.

to be entered in a book kept for the purpose

Penalty on Sheriffs neglecting.

Sheriffs not to return persons not named in the list.

II. *And be it further enacted,* That each Sheriff shall have and receive such sum of Money for his expenses and trouble in making out and returning such list, as the Justices in their General Sessions shall deem to be an adequate compensation therefor, and they shall thereupon order the same to be paid by the Treasurer of the County, out of the Monies in his hands belonging to such County respectively, and such sum so to be allowed to the Sheriff shall be deemed a County charge, and shall be provided for as other County charges are or may be by Law.

Sheriffs to be paid for making out such lists.

See further 45 Geo. 3, c. 9, regulating the pay of Special Justices and Sheriff summoning same.

CAP. VII.

An ACT to Define and Describe the Crime of Petit Larceny.

Persons convicted of stealing Goods, &c. to the value of 20s. to be punished for Grand Larceny,

Under 20s. for Petit Larceny.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That if any person shall feloniously take and carry away any goods, chattels, money or effects, to the value of Twenty Shillings, and be thereof duly convicted, such offence shall be deemed, adjudged and punished as Grand Larceny: And if the value shall be found by verdict on trial to be less than Twenty Shillings, then such offence shall be deemed, adjudged and punished as Petit Larceny.

CAP. VIII.

An ACT for fixing Permanently the Boundary Lines between the different Grants in this Province.

Repealed by 52 Geo. 3. c. 4.

CAP. IX.

An ACT for Altering the Times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in the Counties therein mentioned.

Preamble.

WHEREAS the times appointed for holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland, King's County and Queen's County, have been found inconvenient.

Times of holding the Courts in Westmorland, in Queen's & King's counties, and the City and County of Saint John

* Altered by 42 Geo 3. c 3. and subsequent Acts there mentioned.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the said Courts shall be holden hereafter as follows, to wit: For the County of Westmorland, on the Third Tuesdays in January and June; * for Queen's County on the Fourth Tuesdays in January and June; for King's County, on the

the Second Tuesday in February† and First Tuesday in July; and for the City and County of Saint John, on the Third Tuesday instead of the First Tuesday of March, in each and every year, any Law or Ordinance to the contrary notwithstanding.

† Altered to First Tuesday in March by 42 Geo 3, c. 2
 2 Vide subsequent Acts there referred to.

II. *And be it further enacted*, That no writ or process of any kind whatsoever, shall abate or be discontinued by reason of the alteration of the Times of holding the said Courts as aforesaid; but that all writs and processes which are or shall be returnable to the said Courts respectively on the days and times heretofore established, shall be proceeded upon in the same manner as if the same were made returnable on the same days herein established and appointed.

No writ to abate by reason of the alteration.

See further 35 Geo. 3, c. 2, § 1; and 42 Geo. 3, c. 2.

CAP. X.

An ACT to enable the Justices of the Supreme Court to issue Commissions for the examining of Witnesses out of the Province.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That in all civil causes depending and at issue in the Supreme Court of this Province, in which either party shall be desirous to take the depositions of Witnesses residing out of this Province, to be read as evidence in such causes, it shall and may be lawful for the Justices of the said Court upon sufficient cause being shewn by affidavit on the behalf of the party desiring the same, to issue a Commission under the Seal of the said Court, for taking such depositions, in such manner and under such re-

Justices of the Supreme Court to issue commissions for taking depositions,

to be read as de
positions de bene
esse.

strictions and regulations as the said Court by any rules and orders for that purpose made, shall direct and appoint: And such depositions so taken, shall be read in evidence as depositions taken *de bene esse*, at the trial of such causes. And the costs attending the issuing and taking such depositions shall be regulated by rule or order of the said Court for that purpose to be made.

CAP. XI.

An ACT for the Security and Protection of Certain Islands in the River Saint John.

Expired.

CAP. XII.

An ACT to continue an Act, intitled, "an Act for Laying an
"Impost."

Expired.

CAP. XIII.

An ACT for Regulating the Fisheries in the different, Rivers, Coves and Creeks of this Province.

Expired.

See further 33 Geo. 3, c. 9.

CAP. XIV.

An ACT for the Support and Relief of Confined Debtors.

Expired.

CAP. XV.

An ACT for Laying an Impost.

Expired.

CAP. XVI.

An ACT for Appropriating and Disposing of the Public Monies.

Expired.

CAP. XVII.

An ACT for Regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That when any new Assembly shall, at any time hereafter be summoned or called in this Province, as also in case of any vacancy during this present Assembly, there shall be Forty days, between the teste and return of the writs of summons, and that the Clerk of the Crown in Chancery shall issue out the writs for the Election of Members to serve in the same Assembly with as much expedition as the same may be done, and that as well upon the calling or summoning any new Assembly, as also in case of any vacancy during the present or any future Assembly, the several writs shall be delivered to the respective Sheriffs; and that every such Sheriff upon the receipt of the same writ shall upon the back thereof indorse the day he received the same, and within Six days after he has received the same writ, shall cause public notice to be given in writing of the time and place of Election, and give Six days notice at least of the day appointed to the Constables or one of them, of each Town or Parish within his bailiwick, who are hereby required forthwith to affix the same to the most public place of each Town or Parish as aforesaid, for the Election.

II. *And be it further enacted,* That no Sheriff or Under-Sheriff shall give, pay, receive or take any fee, reward or gratuity whatsoever,

Forty days allowed between the teste and return of the writs.

Writs to be delivered to the Sheriff.

Sheriff on the back of the writ to indorse the day he receives it.

Time and place of election to be notified by the Sheriff within six days after receipt of the writ; and six days notice at least to be given to one or more Constables, &c.

No fee, reward or gratuity, to be allowed the Sheriff, or Under Sheriff, for exe-

ever,

cution of such writ, unless a Poll be demanded.

In case of a Poll the Sheriff to have 10s. per diem for himself and 5s per diem for a Poll Clerk, to be paid out of the Province Treasury; and the same allowance in case of a scrutiny to be paid by the party losing the election.

ever, for the making out receipt, delivery, return or execution of any such writ or precept, unless a Poll shall be demanded; and in case a Poll shall be demanded he shall be intitled to have and receive an allowance of Ten Shillings per diem for himself and Five Shillings per diem for a Poll-Clerk, to be by him appointed for taking such Poll in manner herein after mentioned, for each day the said Poll shall be held, and also for each day the Scrutiny shall be held in case of any Scrutiny granted as herein after mentioned, which allowance for holding the Poll shall be paid out of the Province Treasury upon the account thereof being submitted to, and audited by the Assembly at their next Session; and which allowance for holding the Scrutiny shall be paid by the party or parties losing his or their Election upon such Scrutiny, and shall be recovered by action of debt in any Court of Record in this Province having jurisdiction thereof.

Electors residing in the County, to have a Freehold therein of the clear value of £25, and non-residents of the value of £50, and shall have possessed the same 6 months at least, before the teste of the writ.

III. *And be it further enacted,* That the Members to be chosen to serve in such Assembly, shall be chosen in every County which hath right to chuse by persons whereof every one of them shall have a Freehold in such County of the clear value of Twenty-five Pounds, in case such persons reside in such County, and in case such persons do not reside in such County, shall have a Freehold in such County of the clear value of Fifty Pounds free from all incumbrances, and shall have respectively possessed the same, and have had their title Deeds registered Six Months before the teste of the said writ: And
the

the person to be chosen shall be possessed of real Estate of the value of Two hundred Pounds within the County for which he shall be chosen, and shall have been possessed of the same, and the Deeds thereof duly registered Six Months before the teste of the writ.

Persons eligible to have real Estate of the value of £200 within the County, and shall have been in full possession 6 months before the teste of the writ.

And such as have the greatest number of votes of Electors qualified as aforesaid, shall be returned by the said Sheriffs, Members to serve in such Assembly by Indentures between the said Sheriffs and the said Electors.

Provided always, that no person who shall have mortgaged his Lands, and remain in possession thereof, and receive the income therefrom, shall by reason of such Mortgage be debarred from giving his vote, or being elected as aforesaid.

Mortgagers who remain in possession and receive the income of their Lands, not debarred voting or being elected.

IV. *And be it further enacted*, That upon every Election so to be made of any Member to serve in this or any future Assembly, the Sheriff of the County where such Election shall be made, shall hold his Court for the same Election at the most usual and public place of Election within the said County, but in case the said Election be not determined upon the view with the consent of the Electors there present, and that a Poll shall be demanded for the determination thereof, then the said Sheriff, or in his absence his Under-Sheriff, shall forthwith, in some open or public place, proceed to take the said Poll.

Election to be held at the most usual and public place of election within the County.

V. *And be it further enacted*, That every Sheriff shall immediately after reading the writ or precept for the Election of such Member, take and subscribe the following Oath,

Sheriff's oath to be taken immediately after reading the writ.

Oath, viz.---“ I, A. B. do solemnly swear
 “ that I have not directly or indirectly re-
 “ ceived any sum or sums of money, office,
 “ place or employment, gratuity or reward,
 “ or any bond, bill or note, or any promise
 “ or gratuity whatsoever, either by myself
 “ or any other person to my use, benefit or
 “ advantage, for making any return at the
 “ present Election of Members to serve in
 “ Assembly, and that I will return such per-
 “ son or persons as shall, to the best of my
 “ judgment, appear to me to have the ma-
 “ jority of legal Votes.” Which Oath any
 Justice of the Peace of the County where
 such Election shall be made, or in his ab-
 sence, any Three of the Electors are hereby
 required and authorized to administer. And
 such Oath so taken and subscribed shall be
 entered among the Records of the Session of
 such County.

This Act to be
 read openly be-
 fore the Electors
 assembled at the
 place of election.

VI. *And be it further enacted,* That every
 Sheriff shall and is hereby required at the
 time of such Election, immediately after read-
 ing such writ or precept, and taking and
 subscribing such Oath as aforesaid, to read
 or cause to be read openly before the Elec-
 tors there assembled this present Act and
 every clause therein contained.

Sheriff to appoint
 Clerks for taking
 the Poll.

VII. And for the more due and orderly
 proceeding in the said Poll when required as
 aforesaid, the said Sheriff shall appoint such
 number of Clerks as to him shall seem meet
 and convenient for taking thereof, which
 Clerks shall take the said Poll in the presence
 of the said Sheriff or his Under-Sheriff, and
 before they begin to take the said Poll every
 Clerk

Clerk so appointed shall by the said Sheriff or his Under-Sheriff as aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the name of each Elector and the place of his Freehold, and for whom he shall Poll, and to Poll no Elector who is not sworn if so required by the Candidates or any of them then and there present. Which Oath of the said Clerks the said Sheriff or his Under-Sheriff is hereby empowered to administer: And the Sheriff or his Under-Sheriff as aforesaid, shall appoint for each Candidate such one person as shall be nominated to him by each Candidate then and there present, to be Inspectors of every Clerk who shall be appointed for taking the Poll. And every Elector at the time of polling shall distinctly name the Candidate or Candidates for whom he votes, and before he is admitted to Poll at the same Election, shall if required by the Candidates or any one of them; first take the Oaths herein after mentioned, or any or either of them, viz. "You shall swear that you are a Freeholder of the County of _____ and have real Estate of the value of Twenty-five Pounds, (or Fifty Pounds if the Elector do not reside in the said County) lying at _____ within the said County of _____ and that you have not been before polled at this Election, and that you have not procured this Freehold to give your voice in this Election, and that the place of your abode is at _____ in _____ So help you GOD." And also the Oaths in and by an Act made in the First year of the reign of his late Majesty King

Clerks to be sworn.

Sheriff to appoint such persons as the Candidates shall nominate to be Inspectors of the Clerks.

Electors, if there-to required, to be sworn.

King George the First, intituled; "An Act
 " for the further security of his Majesty's
 " Person and Government and the succes-
 " sion of the Crown in the heirs of the late
 " Princess SOPHIA, being Protestants, and
 " for extinguishing the hopes of the preten-
 " ded Prince of WALES, and his open and
 " secret abettors," appointed to be taken ;
 and also the following Oath :---" You shall
 " swear that you have not received or had by
 " yourself or any other person whatsoever
 " in trust for you, or for your use and bene-
 " fit, directly or indirectly, any sum or sums
 " of money, office, place or employment;
 " gift or reward, or any promise or security
 " for any money, office, employment or gift,
 " in order to give your vote at this Election:
 " So help you GOD." Or being one of the
 people called Quakers, shall, if required as
 aforesaid, solemnly affirm the effect of each
 and every of the said Oaths which shall be
 required as aforesaid, which same Oaths or
 affirmations, the said Sheriff, his Under-She-
 riff, or such sworn Clerk by him appointed
 for taking of the said Poll as aforesaid, are
 hereby authorized to administer. And if
 any Elector shall, being thereunto required
 as aforesaid, refuse or neglect to take the said
 Oaths herein before appointed to be taken,
 or either of them, or to affirm the effect
 thereof as aforesaid, that then the Poll or
 vote of such person so neglecting or refus-
 ing, shall be and is hereby declared to be
 null and void, and as such shall be rejected
 and disallowed. And if any Sheriff, Under-
 Sheriff or sworn Clerk, shall neglect or re-
 fuse

The vote of any
 Elector, refusing
 to take these
 Oaths or either
 of them, to be re-
 jected and disai-
 lowed.

Sheriff, Under-
 Sheriff, or sworn
 Clerk, refusing to

fuse when thereunto requested as aforesaid, to administer the above Oaths and affirmations, or shall otherwise offend in the premises contrary to the true intent and meaning of this Act, every such Sheriff, Under-Sheriff or sworn Clerk, shall for every such offence forfeit the sum of Fifty Pounds, together with full costs of suit, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's Courts of Record in this Province.

VIII. *And be it further enacted*, That if any person or persons shall wilfully, falsely and corruptly take the Oaths or affirmations set forth and appointed in and by any part of this Act, or either of them, and be thereof lawfully convicted by Indictment or Information, or if any person or persons shall corruptly procure or suborn any other person to take the said Oaths or affirmations, or either of them, and the person so procuring or suborning shall be thereof convicted by Indictment or Information, every person so offending shall for every such offence incur and suffer such penalties, forfeitures and disabilities, as persons convicted of wilful and corrupt perjury are liable to. And no person convicted of wilful and corrupt perjury or subornation of perjury, shall after such conviction, be capable of voting in any Election of any Member or Members to serve in the Assembly of this Province.

IX. *And be it further enacted*, That if any person who hath or claimeth to have, or hereafter shall have or claim to have any right to vote in such Election, shall take any money

administer such Oaths, &c. to forfeit £50.

Persons falsely taking the Oaths or affirmations appointed in and by any part of this Act or suborning others, shall incur the penalties of wilful and corrupt perjury,

and be rendered incapable of voting.

Any person who shall take any money or other reward, &c. for giving or forbearing to give his

vote, or shall procure others so to do, to forfeit for every offence £20 and be ever after disabled to vote.

ney or other reward by way of gift, loan or other device, or contract or agree for any money, gift, office, employment or other reward, to give or forbear to give his vote in any such Election, or if any person by himself or any person employed by him doth or shall by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure any person or persons to give his vote or votes, or to forbear to give his or their vote or votes in any such Election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of Twenty Pounds, to be recovered as before directed in the Seventh Section of this Act, with full costs of suit, and every person offending in any of the cases aforesaid in this clause mentioned from and after judgment obtained against him in any such action of debt, bill, plaint or information, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election for any Member or Members of the Assembly of this Province.

Poll to commence on the day when it is demanded or the next day (not being Sunday) and be continued from day to day (Sundays excepted) till all the voters present shall have opportunity to be polled, the Sheriff then, by consent of at least half the Candidates, may remove the Poll.

X. *And be it further enacted,* That every Poll which shall be so demanded, shall commence on the day the same shall be demanded, or upon the next day (unless that shall happen to be a Sunday and then on the day after), and shall be duly and regularly proceeded in from day to day (Sundays excepted) without any delay or other adjournment; until all the voters present shall have opportunity to be polled, after which the Sheriff by the consent of at least half the Candidates, shall

shall have liberty to remove the Poll to such other place or places in the same County as he and such Candidates consenting shall thing necessary, where such Sheriff or returning officer shall proceed in like manner until the Poll be finished. And if such Poll shall continue unto the Fifteenth day, then the same shall be finally closed at or before the hour of Three in the afternoon of the same day. And the Sheriff at every such Election, shall immediately, or on the day next after the final close of the Poll, truly, fairly and publicly declare the name or names of the person or persons who have the majority of votes on such Poll, and shall forthwith make a return of such person or persons, unless the Sheriff upon a Scrutiny being demanded by any Candidate or any two or more Electors, shall deem it necessary to grant the same, in which case it shall and may be lawful for him so to do, and to proceed thereupon but so as that in all cases of an Election of any new Assembly, or to fill any vacancy in the present or any future Assembly, every Sheriff having the return of a writ shall close such Scrutiny and make his return upon such writ on or before the day on which such writ is returnable.

XI. *And be it further enacted,* That whenever a Scrutiny shall be granted as aforesaid, and there shall be more parties than one objecting to votes on such Scrutiny, the Sheriff shall decide alternately or by turns on the votes given for the different Candidates who shall be parties to such Scrutiny or against whom the same shall be carried on.

The Poll to be closed at latest on the fifteenth day.

Sheriff to declare the name of the person or persons who have the majority of votes & forthwith make his return, unless a Scrutiny be demanded; but not to delay making his return beyond the day required by the writ.

In a Scrutiny the Sheriff to decide for the different Candidates alternately.

Poll to be kept open every day Seven hours at least between the hour of Eight in the morning and Sun-set.

XII. And in order that Electors may have full time and opportunity to Poll, *Be it enacted*, That every Sheriff, unless prevented by any unavoidable accident, shall during the continuance of the Poll on every day subsequent to the commencement of the same, cause the said Poll to be kept open for Seven hours, at the least, in each day between the hours of Eight in the morning and Sun-set.

Sheriff authorized to administer an Oath, if he see cause, to any person consenting to take it, touching any thing material towards carrying on a Scrutiny.

XIII. *And be it further enacted*, That upon every Election of any Member or Members to serve in this or any future Assembly, it shall and may be lawful for the Sheriff if he see cause, and he is in such case authorized, during the continuance of any Scrutiny which shall have been granted as aforesaid, to administer an Oath to any person whatsoever consenting to take the same, touching the right of any person having voted at such Election, or touching any other matter or thing material or necessary towards carrying on such Scrutiny.

Number of Members to be returned.

XIV. *And be it further enacted*, That the respective Sheriffs for the different Counties, shall return the following number of Members to serve in Assembly, to wit: For the County of Saint John, Four; the County of Westmorland, Four; the County of Charlotte, Four; the County of Northumberland, Two; King's County, Two; Queen's County, Two; the County of York, Four; the County of Sunbury, Two; and two for the City of Saint John, which two Members for the said City shall be chosen by the Freemen, being Inhabitants, and the Freeholders there;

Members for St. John, to be chosen by the Freemen being Inhabitants, and the Freeholders there.

Provided

Provided that such Freemen who shall vote shall have been Freemen of the said City Six Months, and shall actually have dwelt therein Six Months before the teste of such writ of Election, and be possessed of personal Estate to the value of Twenty-five Pounds at the time of such Election. Which said Freemen so to give their votes shall be subject to the like regulations, restrictions, forfeitures, penalties and disabilities, as Freeholders by this Act are made subject to, except that instead of the Oath herein directed to be taken by Freeholders, such Freeman shall take (or being Quakers affirm the effect of) the following Oath :---“ You shall swear that you are “ a Freeman of the City of Saint John, duly “ qualified, that you have dwelt in the same “ City Six Months past, and that your dwelling place is now in the same City, and “ that you are possessed of personal Estate “ to the value of Twenty-five Pounds---So “ help you GOD.”

Freemen to have been such and actually dwelt in the City Six Months before the teste of the writ, and possessed of personal Estate to the value of £25.

Oath to be taken by Freemen.

XV. *And be it further enacted*, That the writ for the Election of the said two Members for the said City, shall be directed to the Sheriff of the City and County of Saint John, who shall execute the same and make return thereof in the same manner and under the like regulations, restrictions, penalties and forfeitures, except as in the last preceding clause, as Sheriffs holding Elections in Counties are made subject and liable to.

Writ for electing the Members for the City of Saint John, to be directed to the Sheriff of the City and County of St. John, and by him executed, &c.

XVI. *And be it further enacted*, That every Sheriff shall forthwith deliver to such person or persons as shall desire the same, a copy of the Poll taken at such Election, paying

Sheriff to deliver on requisition of any person, a copy of the Poll.

Sheriff for every wilful offence against this Act not provided for by particular penalties, to forfeit £30.

ing only a reasonable charge for writing the same, and every Sheriff for every wilful offence contrary to this Act, not provided for by particular penalties in and by this Act inflicted, shall forfeit to every party so aggrieved the sum of Thirty Pounds, to be recovered in manner aforesaid.

No person to vote nor be chosen under the age of Twenty-one years.

XVII. *And be it further enacted*, That no person whatsoever being under the age of Twenty-one years shall at any time hereafter be admitted to give his vote for Election of any Member or Members to serve in this present or any future Assembly in this Province; and that no person shall hereafter be capable of being elected a Member to serve in this or any future Assembly of this Province, who is not of the age of Twenty-one years: And every Election and return of any person under that age, is hereby declared to be null and void.

No Candidate, directly or indirectly, to give money, meat, drink, entertainment, or make any gift, &c.

XVIII. *And be it further enacted*, That no person or persons hereafter to be elected to serve in Assembly for any County, City or place within this Province after the teste, or issuing out, or ordering of any writ of summons for a new Assembly hereafter to be called, or after any such place becomes vacant hereafter in the time of this present or of any other Assembly in this Province, shall or do hereafter by himself or themselves, or by any other ways or means on his or their behalf, or at his or their charge before his or their Election to serve in Assembly for any such County, City or place, directly or indirectly give, present, or allow to any person or persons having voice or vote in such Election,

Election, any money, meat, drink, entertainment or provision, or make any present, gift, reward or entertainment, or shall at any time hereafter make any promise, agreement, obligation or engagement to give or allow any money, meat, drink, provision, present, reward or entertainment to or for any such person or persons in particular, or to any such County, City or place in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such person or persons, place or places, in order to be elected or for being elected to serve in Assembly for such County, City or place.

XIX. *And be it further enacted*, That every person or persons so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be and are hereby declared and enacted disabled and incapacitated upon such Election to serve in Assembly for such County, City or place, and that such person or persons shall be deemed and taken no Members in Assembly, and shall not act, sit, or have any vote or place in Assembly; but shall be and are hereby declared and enacted to be to all intents, constructions and purposes, as if they had been never returned or elected Members for the Assembly.

Every person offending against the provisions of the last preceding clause, to be disabled and incapacitated to serve in Assembly.

XX. *And be it further enacted*, That the Sheriff having the execution and return of any such writ for the electing Members to serve in Assembly which shall be issued for the future, shall, on or before the day that any future Assembly shall be called to meet,

Sheriff to make return of the writ to the Clerk of the Crown in Chancery.

Sheriff not making return according to this Act, to forfeit for every offence the sum of £100.

and with all convenient expedition after any Election made by virtue of any new writ, either in person or by his deputy, make return of the same to the Clerk of the Crown in Chancery. to be by him filed in the Crown Office, and every Sheriff having execution and return of any such writ as aforesaid, who shall not make the returns according to the true intent and meaning of this Act, shall forfeit for every such offence the sum of One hundred Pounds, one moiety whereof shall be to his Majesty, and the other moiety to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's Courts of Record in this Province.

Clerks to enter the places of the Elector's freehold and abode.

XXI. *And be it further enacted*, That in taking any Poll which shall be required as aforesaid, the Sheriff and Clerks shall enter, not only the place of the Elector's freehold, but also the place of his abode, as he shall declare the same at the time of giving his vote, and shall also make or enter "*Jurat*" against the name of every such voter who shall be tendered and take the Oath first herein required to be taken by Electors. And that the said Sheriff or returning officer shall within the space of Twenty days next after such Election, faithfully deliver over upon Oath, (which Oath the two next Justices of the Peace, one of whom to be of the Quorum, are hereby enabled and required to administer) unto the Clerk of the Peace of the same County, all the Poll books of such respective Elections without any embezzlement or alteration, to be carefully kept and preserved

"*Jurat*" to be entered against the names of sworn voters.

Returning officer, within 20 days after the Election, to deliver over upon Oath all the Poll books, to the Clerk of the Peace of the County.

preserved among the Records of the Sessions of the Peace of and for the said County.

XXII. *And be it further enacted,* That all false returns wilfully made of any Member to serve in the Assembly of this Province, are against Law and are hereby prohibited. And in case any person or persons shall return any Member to serve in the Assembly of this Province, for any County, City or place, contrary to the right of Election in and by this Act declared, such return so made shall and is hereby adjudged to be a false return, and the party grieved, to wit, every person that shall be duly elected to serve in such Assembly for any County, City or place, by such false return, may sue the officers and persons making and procuring the same, and every or any of them at his Election, in the Supreme Court of this Province, and shall recover double the damages he shall sustain by reason thereof, together with his full costs of suit. And if any officer shall wilfully, falsely or maliciously return more persons than are required to be chosen by the writ or precept on which any choice is made, the like remedy may be had against him or them, and the party or parties that willingly procure the same, and every or any of them by the party grieved at his Election: *Provided always,* That every suit, action or information grounded on this Act, shall be brought within One year after the cause of action shall arise, and not after.

For every false return the party aggrieved may sue the offenders or any of them, in the Supreme Court, and recover double damages with costs of suit.

The like remedy in case of wilfully returning more persons than the writ requires.

Provided that every suit be brought within one year.

XXIII. *And be it further enacted,* That this present Assembly and all other Assemblies hereafter to be called or held in this Pro-

Assemblies may continue seven years and no longer, unless sooner dissolved by the

Governor or
Commander in
Chief for the time
being.

vince, shall and may respectively have continuance for Seven Years and no longer, to be accounted from the day on which, by the writs of summons this present Assembly hath been, or any future Assembly may be appointed to meet; unless this present or any succeeding Assembly hereafter to be summoned, shall be sooner dissolved by the Governor or Commander in Chief of this Province for the time being. *Provided* that this Act shall not be in force until his Majesty's Royal approbation be thereunto had and declared.

The operation of
this Act suspended
until His Majesty's
approbation thereof
be declared.

N.B.—*This Act was “Confirmed, Finally Enacted and Ratified,” by an Order of His Majesty in Council, dated at the Court of St. James's, the 3d of June, 1795.*

See further 50 Geo. 3, c. 36.

Anno Regni GEORGII III. Regis
Tricesimo Secundo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the Fourteenth day of February, One thousand Seven hundred and Ninety-two, at Fredericton; being the sixth Session of the first Assembly convened in the said Province.

CAP. I.

An ACT for continuing the Establishment of a Militia and for
Regulating the same.

Repealed.

CAP. II.

An ACT in amendmēt of an Act, intituled, “ An Act for more
“ effectually securing the Title of Purchasers of Real Estates
“ against Claims of Dower,” and also to enable Femes Covert
more easily to convey any Real Estate they may hold in their own
Right.

For former provisions refer to
27 Geo. 3, c. 9.

WHEREAS in and by an Act made Preamble.
and passed in the Twenty-seventh
year of his Majesty’s Reign, intituled, “ An
“ Act for more effectually securing the Title
“ of Purchasers of Real Estates against
“ Claims of Dower,” *It is enacted*, that no
Deed of bargain and sale, or other convey-
ance of any Lands, tenements or heredita-
ments,

ments, in which any Feme Covert is or may be intitled to a right of Dower, shall be valid and sufficient to bar such right of Dower or the recovery thereof after the decease of her husband, unless such Feme Covert or married woman shall sign, seal and deliver such Deed ; and shall also appear before some one of his Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several Counties of this Province, and being examined separate and apart from her said husband, shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him : And whereas it is expedient that some provision should be made to secure such Purchasers against the claims of Dower of Femes Covert residing out of the Province who cannot conveniently appear to make the acknowledgment required by the said recited Act : And whereas it is also expedient that some further provision should be made to enable Femes Covert or married women to convey any Estate of Freehold or Inheritance which may be vested in them in their own right.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That if any Feme Covert, whose right of Dower is to be barred by any Deed of bargain and sale or other conveyance of any Lands, tenements or hereditaments in this Province, shall live in parts beyond the sea, or out of the limits of this Province, the acknowledgment of such Deed or conveyance shall be made as follows, that is to say ; if such Feme Covert

If Femes Covert whose right of Dower is to be barred by any conveyance, live out of the Province, the acknowledgment of such conveyance to be made as follows : — In Great-Britain or Ireland, before a Judge of the Courts of

live within the kingdoms of Great-Britain or Ireland, the acknowledgment of such Deed or conveyance may be had and taken by and before any Judge of any of the Courts of King's Bench or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of Council and Session in Scotland; and if in any other part of the British dominions, by and before any Judge of the Supreme or Superior Court of Judicature in such Colony or part of the said British dominions wherein such Feme Covert shall reside, and certified on the said Deed or conveyance by and under the hand of such Judge or other person so taking the acknowledgment thereof as aforesaid, such Certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief of the Province, where the same shall be made, and if in Great-Britain or Ireland, affidavit in writing shall be made, and certified under the seal of some Corporation there, that the signature of the person taking such acknowledgment is the actual and proper hand writing of such person so taking such acknowledgment: And if such Feme Covert live in any foreign state or kingdom, the acknowledgment of such Deed or conveyance may be had and taken by and before any public Minister, Ambassador or Consul from the Court of Great-Britain resident in any such state or kingdom, and certified on such Deed or conveyance by and under the hand and seal of such Minister, Ambassador or Consul so taking the acknowledgment

King's Bench or Common Pleas, Baron of the Exchequer, Master in Chancery, or Judge or Lord of Council and Session—
In other parts of the British dominions before a Judge of the Supreme Court;

And in any foreign state, before an Ambassador or Consul from the Court of Great-Britain.

All acknowledgments taken under this Act, to be registered with the conveyances.

ledgment thereof as aforesaid. And all such acknowledgments so taken under and by virtue of this Act, shall be registered with the respective Deeds and conveyances so acknowledged, and shall be an effectual bar to the recovery of any such Femmes Covert respectively of their right of Dower in and to the premises mentioned in any such Deed or conveyance, any thing in the said herein before recited Act to the contrary notwithstanding.

The acknowledgment of conveyances, made by Femmes Covert of Estate held in their own right, to be taken and certified in the same manner.

II. *And be it further enacted*, That the acknowledgment of all Deeds of bargain and sale, or other conveyances duly made and executed by any Feme Covert of any Estate of freehold or inheritance, which such Feme Covert may hold in her own right, in any Lands, tenements or hereditaments, in this Province, shall and may be had and taken and certified in the same manner and before the same persons respectively, as any such Feme Covert can or may acknowledge any Deed of bargain or sale, or other conveyance for barring her right of Dower under and by virtue of this or the said herein before recited Act.

See further 33 Geo. 3, c. 5, making further provision to bar Dower where consideration does not exceed £200. See also 52 Geo. 3, c. 20, further provisions made where Grantor or Bargainor live in any foreign State.

CAP. III.

An ACT to provide for the Maintenance of Bastard Children.

See Eng. Stat.
6 Geo. 2, c. 31,
and Burns' Just.
tit. Bastard § 2.

WHEREAS the Laws now in being are not sufficient to provide for the security and indemnification of the several Parishes in this Province, from the great charges frequently arising from Children begotten and born out of lawful Matrimony, for remedy thereof,

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council, and Assembly, That if any single woman shall be delivered of a Bastard Child which shall be chargeable or likely to become chargeable to any Parish, or shall declare herself to be with Child, and that such Child is likely to be born a Bastard and to be chargeable to any Parish; and shall in such case in an examination to be taken in writing, upon Oath before any one or more Justice or Justices of the Peace of any County or of the City and County of Saint John, wherein such Parish shall lie, charge any person with having gotten her with Child, it shall and may be lawful to and for such Justice or Justices, upon application made to him or them by the Overseers of the Poor of such Parish or by any one of them, to issue out his or their warrant or warrants for the immediate apprehending such person so charged as aforesaid, and for bringing him before such Justice or Justices, or before any other of his Majesty's Justices of the Peace of such County or of the City and County of Saint John as the case may be, and the Justice or Justices before whom
such

Any woman being delivered of a Bastard Child, or declaring herself to be with Child likely to be born a Bastard and chargeable to a Parish, and on examination before a Justice of Peace, shall charge any person with having gotten her with Child, such Justice on application of the Overseers of the Poor, to issue a warrant for apprehending the person so charged, and to commit him to Gaol, unless he give security or enter into recognizance.

such person shall be brought, is and are hereby authorized and required to commit the person so charged as aforesaid to the common Gaol, or House of Correction of such County or City and County, unless he shall give security to indemnify such Parish, or shall enter into a recognizance with sufficient surety upon condition to appear at the next General Sessions of the Peace to be holden in and for such County or City and County, and to abide and perform such order or orders as shall be made in pursuance of an Act of Parliament passed in the Eighteenth year of the reign of her Majesty Queen Elizabeth, concerning Bastards begotten and born out of lawful Matrimony.

If the woman die, or be married or miscarry, or appear not to have been with Child, the person to be discharged from his recognizance or released out of custody.

II. *Provided nevertheless and be it enacted,* That if the woman so charging any person as aforesaid shall happen to die, or be married before she shall be delivered, or if she shall miscarry of such Child, or shall appear not to have been with Child at the time of her examination, then and in any of the said cases, such person shall be discharged from his recognizance at the next General Sessions of the Peace to be holden for such County or City and County, or immediately released out of custody by warrant under the hand and seal or hands and seals of any one or more Justice or Justices of the Peace residing in or near the limits where such Parish shall lie.

Justice of the Peace, upon application of any person committed, to summon the Overseers of

III. *Provided also, and be it enacted,* That upon application made by any person who shall be committed to any Gaol or House of Correction by virtue of this Act, or by any

any person in his behalf, to any Justice or Justices residing in or near the limits where such Parish shall lie, such Justice or Justices is and are hereby authorized and required to summon the Overseer or Overseers of the Poor of such Parish to appear before him or them at a time and place to be mentioned in such summons to shew cause why such person should not be discharged: And if no order shall appear to have been made in pursuance of the said Act of the Eighteenth year of the reign of her Majesty Queen Elizabeth, within Six weeks after such woman shall have been delivered, such Justice or Justices shall and may discharge him from his imprisonment in such Gaol or House of Correction to which he shall have been committed.

the Poor to shew cause why he should not be discharged,

and if no order appears to have been made within six weeks after the delivery of such woman, the Justice to discharge him from imprisonment.

IV. *Provided always, and be it further enacted,* That it shall not be lawful for any Justice or Justices of the Peace to send for any woman whatsoever before she shall be delivered, and in one Month after, in order to her being examined concerning her pregnancy or supposed pregnancy, or to compel any woman before she shall be delivered, to answer to any questions relating to her pregnancy; any Law, usage or custom to the contrary notwithstanding.

Justice of the Peace not to send for any woman before her delivery, nor in one Month after, nor to compel any woman before her delivery to answer questions concerning her pregnancy.

CAP. IV.

An ACT for altering the Times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland.

WHEREAS the Times appointed for holding the Court of General Sessions

Preamble.

sions

sions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, have been found inconvenient.

The Courts to be held on the first Tuesday in March and August.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the said Courts shall be holden hereafter on the First Tuesday in March and the First Tuesday in August,* in every year, instead of the Third Tuesday in January and the Third Tuesday in September, as heretofore accustomed.

Remaining part of this Act Obsolete.

* Altered to Third Tuesday in March and Fourth Tuesday in August, by 2 Geo. 4: c. 11.

CAP. V.

An ACT to encourage the Destroying of Wolves.

Preamble.

WHEREAS many losses have been suffered by sundry Inhabitants of this Province, from the destruction of their Sheep by Wolves, to the great discouragement of the increase of that valuable Stock.

Twenty shillings to be paid for each Wolf, and Ten shillings for each whelp, killed by an Inhabitant; and Ten shillings for each Wolf, and Five shillings for each whelp, killed by an Indian.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the publication of this Act, a reward of Twenty Shillings shall be paid to any Inhabitant of this Province, for each full grown Wolf he shall kill within the limits of the same, and Ten Shillings for each Wolf's whelp under a year old; and to every Indian Ten Shillings for every full grown Wolf, and Five Shillings for every Wolf's whelp under a year old which he shall kill within the limits aforesaid.

The head of every Wolf killed, to be brought to the nearest Justice of

II. *And be it further enacted,* That whosoever shall kill any Wolf, Wolves, their Whelps or Whelp, shall bring the head or heads

heads of the same to one of His Majesty's Justices of the Peace within the County residing nearest to the place where the same shall be killed, who shall examine the party on Oath (if he judge it necessary) and, on being satisfied of his being entitled to the reward, shall disfigure the head of the Wolf or Whelp by cutting off both the ears, and shall give under his hand and seal a certificate specifying the reward to which the party is entitled, directed to the Treasurer of the Province, or his Deputy, in case any such Deputy shall be resident in the County, who shall pay the same out of the Monies belonging to the Province Treasury: Which certificate shall be a sufficient voucher to the Treasurer for Money paid by virtue of this Act.

the Peace, who, on being satisfied that the person is entitled to the reward, shall disfigure the head and give a certificate to the Treasurer.

CAP. VI.

An ACT to prevent the Destruction of Sheep by Dogs

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That if any Dog or Dogs shall kill any Sheep or Lambs within this Province, the owner of such Dog, upon complaint and conviction thereof before any Justice of the Peace, shall cause the same to be immediately killed, or shall be liable to pay the owner of such Sheep or Lambs the full value thereof, to be recovered before any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, who is hereby authorized finally to determine the same: *Provided* the sum so to be recovered does not exceed Forty Shillings, and on non-payment

If any Dog shall kill Sheep or Lambs, the owner of the Dog to cause him to be killed, or be liable to pay for the Sheep or Lambs, to be recovered before a Justice of the Peace, and levied by warrant of distress and sale in three days after judgment.

thereof within Three days after Judgment shall be given, to issue his warrant to the next Constable to distrain so much of the offender's goods and chattels as may be sufficient to discharge the same with the charges arising thereby, and to sell such goods at Public Auction, returning the overplus (if there be any) to the owner or owners thereof.

II. *And be it further enacted,* That if any Dog, which had before been proved to have killed any Sheep or Lamb, shall afterwards kill any other Sheep or Lamb, then and in such case, the owners shall not only be liable to pay the full value of the Sheep or Lambs so killed, but also be further liable to the penalty of Twenty Shillings for keeping such Dog, to be recovered as aforesaid, and applied to the use of the Poor of the Parish where such offence shall be committed: And the Justice on conviction thereof, shall by his Warrant directed to a Constable, order such Dog to be immediately killed. And in case the person so convicted shall not pay such damage and fine, and have no goods and chattels whereon to levy the same as aforesaid, it shall and may be lawful for the Justice to commit him to prison, not exceeding Fourteen days for the first, and One month for the second offence: And in case the damage to be sustained as aforesaid, shall exceed the sum of Forty Shillings, and the owner of such Dog or Dogs shall neglect or refuse to kill such Dog or Dogs, or to make full compensation to the owner of such Sheep or Lambs for the damage sustained by

Any person keeping a Dog that has killed Sheep, liable to pay for any Sheep he may afterwards kill, & a fine of 20s to be recovered as aforesaid and applied to the use of the Poor; and the Justice to order such Dog to be killed.

Persons convicted, not having goods whereon to levy, to be committed to prison.

Damages exceeding 40s. to be recovered in the Court of Common Pleas.

by them as aforesaid, then the person or persons so sustaining damage, shall be at liberty to sue for and recover the same in the Inferior Court of Common Pleas for the County where the said damage shall have been done and sustained.

CAP. VII.

An ACT to continue an Act, intituled, "An Act to prevent Frauds in the sale of damaged Goods imported into this Province."

Expired.

See further, 43. Geo. 3, c. 8.

CAP. VIII.

An ACT to enable the Justices of the Court of General Sessions of the Peace and inferior Court of Common Pleas in King's County, to hold the same Courts for the present year at the time herein mentioned.

Obsolete.

CAP. IX.

An ACT to restrain all Persons that may be concerned in the collection of Impost Duties from owning any vessel, or trading, or Dealing in Dutiable Articles.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, neither the Treasurer of the Province, nor any of his Deputies, nor any person or persons concerned in the collection of any Impost Duties made payable by any Act or Acts of Assembly, shall own any vessel or vessels, or any share or shares in any vessel or vessels trading to and from any Port or Ports in this Province, or shall trade or deal directly or indirectly in any article or articles made dutiable by any such Act or Acts, under the

The Treasurer, or his deputies, or any person concerned in collecting Impost duties, are not to own vessels, or trade in dutiable articles, under the penalty of fifty pounds, and of being dismissed from office.

penalty of Fifty Pounds, to be recovered by bill, plaint or information, in the Supreme Court of this Province, and of being forthwith dismissed from his or their office and offices.

CAP. X.

An ACT for raising a Revenue in this Province.

Expired.

CAP. XI.

An ACT to defray the expences incurred and to be incurred in the Public Service therein mentioned.

Expired.

Anno Regni GEORGII III. Regis
Tricesimo Tertio.

At the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the twelfth day of February, in the year of our Lord One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: being the first Session of the second Assembly convened in the said Province.

CAP. I.

An ACT to continue sundry Acts of the General Assembly, which have expired or are near expiring.

Expired.

CAP. II.

An ACT to Prevent the Encumbering or Filling up of Harbours.

Repealed by 3 Geo. 4, c. 28.

CAP. III.

An ACT for apprehending Deserters from His Majesty's Service, and for punishing unlawful Dealings with Soldiers or Deserters.

WHEREAS several Soldiers being duly listed, do afterwards desert, and are often found wandering or otherwise absenting themselves illegally from His Majesty's service :

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly, That it shall and may be lawful to and for any Constable of the Town or place where any person who may be reasonably suspected to be such a Desert-*

Any person suspected to be a Deserter, may be apprehended by any Constable and brought before the nearest Justice of the Peace,

who is to examine him; and if it appears to the Justice that he is a Deserter, he shall commit him to Prison, and transmit an account thereof to the commanding officer of the King's Troops.

er, shall be found within this Province, to apprehend or cause him to be apprehended, and to cause such person to be brought before any Justice of the Peace living in or near such Town or place, who hath hereby power to examine such suspected person, and if by his confession, or the testimony of one or more witness or witnesses upon Oath, or by the knowledge of such Justice of the Peace, it shall appear or be found that such suspected person is a listed Soldier and ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the Gaol of the County or place where he shall be found, or other public Prison where such Deserter shall be apprehended, and transmit an account thereof to the officer commanding His Majesty's Forces within this Province for the time being, to the end such person may be proceeded against according to Law; and the Keeper of such Gaol or Prison shall receive the full subsistence of such Deserter or Deserters during the time that he or they shall continue in his custody, for the maintenance of such Deserter or Deserters, but shall not be intitled to any Fee or reward on account of the imprisonment of such Deserter or Deserters.

The Gaoler to receive the subsistence of such Deserter while in his custody; but entitled to Fees for imprisonment.

II. *And be it further enacted,* That if any person shall harbour, conceal or assist any Deserter from His Majesty's service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of Five Pounds; or if any person shall knowingly detain, buy or exchange, or otherwise

Persons harbouring or assisting Deserters, to forfeit £5

or purchasing arms, clothing, &c.

therwise receive from any Soldier or Deserter, or any other person, upon any account or pretence whatsoever, any Arms, Cloathing, Caps, or other Furniture belonging to the KING, or any such articles belonging to any Soldier or Deserter, as are generally deemed REGIMENTAL NECESSARIES according to the custom of the Army, being provided for the Soldier and paid for by deductions out of his pay, or cause the colour of any such cloathes to be changed, the person so offending shall forfeit for every such offence the sum of Five Pounds; and upon conviction by the Oath of one or more credible witness or witnesses before any of His Majesty's Justices of the Peace, the said respective penalties of Five Pounds and Five Pounds, shall be levied by warrant under the hands of the said Justice or Justices of the Peace, by distress and sale of the goods and chattels of the offender; one moiety of the said first mentioned penalty of Five Pounds to be paid to the Informer by whose means such Deserter shall be apprehended, and one moiety of the last mentioned penalty of Five Pounds to be paid to the Informer, and the residue of the said respective penalties to be paid to the Officer to whom any such Deserter or Soldier did belong: And in case any such offender who shall be convicted as aforesaid, of harboring or assisting any such Deserter or Deserters, or having knowingly received any Arms, Cloathes, Caps or other furniture belonging to the KING, or having caused the colour of such cloaths to be changed contrary to the intent of this Act, shall

or causing the colour of their cloathes to be changed, to forfeit £5 for every offence,

to be levied by warrant of distress & sale; one half of the Penalties to the Informer, the residue to the officer to whom the Deserter belonged.

For want of goods and chattels whereon to levy the penalty: or non-payment in four days after conviction; the offender to be committed to Gaol for three months.

shall not have sufficient goods and chattels whereon distress may be made to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction; then and in such case such Justice of the Peace shall and may by warrant under his hand and seal commit such offender to the common Gaol, there to remain without bail or main-prize for the space of three months.

CAP. IV.

Refer to 28 Geo. 3, c. 4. An ACT to explain and amend an Act, intituled, "An Act to provide for the Support of a Light-House to be built upon Partridge Island."

Preamble.

WHEREAS in and by an Act made and passed in the Twenty-eighth year of His Majesty's reign, intituled, "An Act to provide for the support of a Light-House to be built upon Partridge Island," it is among other things enacted, that no vessel shall be deemed a Coaster within the meaning of that Act, excepting such as shall be wholly employed within the Bay of Fundy. And whereas doubts have arisen, whether vessels that are employed during the whole of the Summer season within the Bay of Fundy, but which during the Winter season, when there is no employment for them in the Bay of Fundy, occasionally make a voyage to any Port without the said Bay, are to be considered and deemed as Coasters within the meaning of the said Act, and also whether vessels wholly employed within the said Bay and in passing and re-passing between the Ports and places belonging to this Province

Province within the said Bay, and the Ports and places belonging to the Province of Nova-Scotia within the said Bay, are to be considered and deemed as Coasters within the meaning of the said Act: And also, whether vessels generally employed in fishing, but occasionally for other purposes, are to be considered and deemed as fishing vessels within the meaning of the said Act, for preventing and removing all such doubts in future---

Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, all vessels of the several and respective descriptions herein before recited and contained, shall be deemed as Coasters or Fishermen respectively within the meaning of the said herein before recited Act, and shall be liable to the payment only of the duty required to be paid by coasting and fishing vessels respectively in and by the said Act, any thing in the said herein before recited Act to the contrary notwithstanding. *Provided always,* That all such vessels, when they make any voyage to any port or place without the said Bay, shall upon their arrival from such voyage within the harbour of Saint John, be liable to the same duties as if they were not deemed to be Coasters or Fishing Vessels within the meaning of the said Act, any thing herein before contained to the contrary notwithstanding.

Vessels of what description to be deemed as Coasters or fishing vessels.

Proviso.

See further 4 Geo. 4, c. 26.

CAP. V.

An ACT in amendment of an Act, intituled, "An Act for more effectually securing the title of Purchasers of Real Estate against claims of Dower."

Refer to 27 Geo. 3, c. 9, and 32 Geo. c. 2.

Preamble.

WHEREAS in and by an Act made and passed in the Twenty-seventh year of His Majesty's Reign, intituled, "An Act for more effectually securing the title of Purchasers of Real Estates against claims of Dower," it is enacted that no Deed of bargain and sale or other conveyance of any lands tenements or hereditaments, in which any Feme Covert is, or may be intituled to a right of Dower, shall be valid and sufficient to bar such right or the recovery thereof after the decease of her husband, unless such Feme Covert or married woman shall sign, seal, and deliver such Deed, and shall also appear before some one of His Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several Counties of this Province, and being examined separate and apart from her husband shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him. And whereas great inconveniences have been experienced for want of a greater number of persons authorized to take such acknowledgement of Femes Covert,

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, any such acknowledgement of any Feme Covert or married woman, of any Deed in which the consideration

The acknowledgement of Deed by Femes Covert in which the consideration does

ation

ation money shall not exceed Two hundred Pounds, shall be valid and sufficient to bar her right of Dower and the recovery thereof, if made before any one of His Majesty's Justices of the Peace in this Province, or Register of Deeds in the County in which the premises to be conveyed lie, in the same manner, and as fully to all intents and purposes as if such acknowledgement should be made before any of the persons mentioned and described in and by the said herein before recited Act.

not exceed £200, sufficient to bar their right of dower if made before a Justice of the Peace or Register of Deeds.

See further 52 Geo. 3, c. 20, providing acknowledgments of Grantors or Bargainors living in any Foreign State.

CAP. VI.

An ACT in amendment of an Act, intituled, "An Act to regulate
"and provide for the Support of the Poor in this Province."

Refer to 26, Geo. 3, c. 43.

WHEREAS in and by the said Act the Justices in the respective Counties are authorized to examine and allow the account of expenditures of the Overseers of the Poor in each Parish at the first General Sessions in each year only, which has been found inconvenient by reason of many Persons becoming poor and chargeable long before any provision can be made for their relief; which inconvenience to prevent,

Preamble:

Be it enacted by the Lieutenant-Governor, Council and Assembly, That the Justices in the respective Counties and in the City of Saint John, may at any General Sessions to be by them holden, examine and allow all such accounts and issue their Warrants to make an assessment in the same manner they are now authorized in their first annual General

The Justices at any General Sessions, may examine the accounts of Overseers of the Poor, and issue warrants of assessment.

Proviso. Not more than two assessments to be made in St. John in one year

neral Sessions, any thing in the said Act to the contrary notwithstanding. *Provided nevertheless*, that in the City and County of Saint John, the Justices shall not make more than two assessments for the purposes aforesaid in any one year.

Vide 3, Geo. 4, c. 24, altering mode of making Assessment.

CAP. VII.

An ACT for regulating the Size and Contents of Lime Hogsheads within this Province.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the first day of May next, every Cooper or other person who shall make any Hogshead or Half-hogsheads for the purpose of receiving Lime, shall make the same agreeable to the following dimensions, that is to say, each Hogshead shall contain One hundred Gallons at the least, and each Half-hogshead shall contain Fifty Gallons at the least; and each and every such Hogshead and Half-hogshead shall be branded upon one of the heads thereof with the name of the Cooper or other person making the same; and if any Cooper or other person shall make any such Hogshead or Half-hogshead of a smaller size than is herein before specified, or shall neglect to brand the same as aforesaid before any Lime shall be put therein, every such offender shall for each and every offence, forfeit and pay the sum of Five Shillings.

After the first May next, all hogsheads made for receiving lime to contain 100 gallons; and half hogsheads 50 gallons. And be branded with the maker's name.

Any person making casks of a smaller size, or neglecting to brand them, to forfeit 5s. for each offence.

After 1st July next, if Lime

II. *And be it further enacted*, That from and after the first day of July next, if any Lime

Lime shall be shipped for exportation on board any ship or vessel in any Hogshead or half Hogshead of a smaller size than is herein before specified, or which shall not be branded as aforesaid, the owners or shippers of such Lime, and the Master of the vessel receiving the same on board, shall each forfeit and pay the sum of Five Shillings for each Hogshead and Half-hogshead so shipped.

shall be shipped in smaller casks, or casks not branded, the owner or shipper, and the master of the vessel to forfeit 5s. for each hogshead.

III. *And be it further enacted,* That the several penalties and forfeitures inflicted by this Act shall be recovered before any one of His Majesty's Justices of the Peace in the County where the offence shall be committed, on the Oath of one credible witness, and shall be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of prosecution, to the offender; and for want of sufficient distress, such offender shall suffer imprisonment not exceeding Ten days. *Provided always,* that it shall and may be lawful for any owner or shipper of Lime to pack the same for sale or exportation in any Hogsheads or Casks of a smaller size, if such Hogsheads or Casks, previous to such sale or exportation shall have their contents ascertained by a sworn Gauger, and the exact number of Gallons marked by such Gauger upon such Hogsheads and Casks respectively, any thing herein before contained to the contrary notwithstanding.

Penalties to be recovered on Oath before a Justice of the Peace, and levied by warrant of distress and sale.

For want of distress, offender to be imprisoned.

Proviso, that Lime may be shipped in smaller casks if their contents are ascertained and marked thereon.

CAP. VIII.

An ACT to levy an Assessment on the Proprietors of the Township of Sackville, for defraying the Expences of a Survey and Plan of said Township.

Preamble.

WHEREAS from the loss of Boundaries and inaccuracies of Surveys heretofore made in the Town of Sackville, in the County of Westmoreland, difficulties have arisen in ascertaining with precision, the Boundary lines between adjoining Proprietors, who have generally agreed to a new Survey of the Lands in the said Town, as nearly as possible conforming to the ancient Boundaries in the original plan, whereby expence has been incurred, which ought equally to be borne by the different Proprietors in proportion to their interests,

Commissioners appointed to examine the accounts of the survey and plan, and to assess the amount thereof on the Proprietors.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That CHARLES DIXON and JONATHAN BURNHAM, Esquires, and Mr. HEZEKIAH KING, be, and they are hereby appointed Commissioners, with full power and authority to examine, liquidate and adjust all accounts relative to the survey and plan of the said Town of Sackville, and the amount of the said sum of the expence of the said survey and plan being so adjusted, the said Commissioners shall and may assess the same upon all owners and proprietors of any Lands laying within the limits of the said survey as equally as may be, in proportion to the actual expences incurred by the survey and plan on each Lot or right, and the benefits to be received by the different Proprietors of each Lot or right respectively, according

to

to the best knowledge and discretion of the said Commissioners: And the said assessment being so made, and public notice thereof given in writing within the said Town of Sackville and at the Court-House of the said County of Westmoreland, it shall be the duty of each and every Proprietor, resident in this Province at the time of making and publishing the said assessment as aforesaid, to pay their respective quotas or shares of such assessment within three months after the same shall be made; and it shall also be the duty of every Proprietor absent from this Province at the time of making and publishing the said assessment as aforesaid, to pay his respective quota of such assessment within Nine Months from the making and publishing such assessment as aforesaid. And in case any Proprietor resident in this Province as aforesaid, shall neglect or refuse to pay his quota of such assessment within three months as aforesaid, or any Proprietor absent from this Province at the time of making and publishing the said assessment as aforesaid, shall neglect or refuse to pay his quota of such assessment within nine months as aforesaid, the said Commissioners shall and may issue a warrant under their hands and seals directed to the Sheriff of the County or Constable of the said Town, with their bill of assessment thereto annexed, thereby commanding them to levy and collect the quota of each delinquent Proprietor, on the goods and chattels of such delinquent respectively.

II. *And be it further enacted*, That in case no goods or chattels of such delinquents shall

The Assessment being made and published, Proprietors resident in the Province, to pay their quota in Three months,

and absent Proprietors in Nine months.

And in case of refusal or neglect, Commissioners to issue their warrant for collecting the same.

be

If no effects of Delinquents can be found and no Person appears to pay their quota, the Commissioners may lease the Lands of such Delinquent.

be found and no person shall appear to pay the quota or proportion of such delinquent Proprietor in such assessment made as aforesaid, such Commissioners, or any two of them shall, by advertisement during three months in the ROYAL GAZETTE, and also at the said Court-House, cause notice to be given for letting out the Lands of such delinquent Proprietor in the said Town or so much thereof as shall answer such Proprietors assessment with the charges, and thereupon may proceed to lease the same for such term as shall be necessary for that purpose.

III. *And be it further enacted,* That no possession to be acquired under the said survey or this Act shall be taken or deemed to be an adverse possession against the real owner, or enable the person or persons acquiring such possession or any person or persons claiming under them, to plead or give the same in evidence to intitle him or them to the benefit of the *Act of limitation*.

No possession acquired under the survey of this Act to be deemed an adverse possession against the owner, or to intitle the person acquiring the same to the statute of limitation.

IV. *And be it further enacted,* That the sum to be raised or assessed under this Act, shall not exceed the sum of One hundred and Twenty Pounds, any thing herein before contained to the contrary thereof in any wise notwithstanding.

The sum to be assessed not to exceed £120.

V. *And be it further enacted,* That the beforementioned plan shall be completed and deposited with the Town-Clerk of the said Town or Parish of Sackville for the time being, or such person as the majority of the Proprietors in the said Town of Sackville shall from time to time nominate for that purpose, for the inspection and use at all

The plan to be completed and deposited with the Town-Clerk previous to making the assessment.

times

times gratis, of persons interested in the Lands contained in the said plan or any part thereof, previous to the making such assessment as aforesaid.

CAP. IX.

An ACT for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That if any person or persons after the publication of this Act, shall presume to erect or set up any hedge, wear, fish garth, or other incumbrance, or place any seine or seines, net or nets, across any river, cove or creek in this Province, in such manner as to obstruct, injure, or hurt the natural course of the Fish in any river or place where they usually go, such person or persons shall forfeit and pay the sum of Ten Pounds upon due conviction thereof, by the Oath of one or more credible 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, rendering the overplus, if any, to such offender; and Twenty Pounds for the second offence, to be recovered with costs by action of debt, bill, plaint or information, in any Court of Record in this Province, and fifty pounds for the third and every subsequent offence, to be recovered with costs, in the manner last mentioned; one half of which penalties shall, on conviction, be paid to the Informer, and the other half to the Overseers of the

No hedge, wear, fishgarth or other incumbrance to be set up, or any seine or nets placed across any river, cove or creek, to injure the course of the fish, under the penalty of £10

to be levied by warrant of distress, &c.

£20 for the second offence, to be recovered with costs by action, &c.

one half to the Informer, the other half to the Poor.

Proviso.

Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor. *Provided always*, That nothing herein before contained shall extend or be construed to extend to prevent the erection of wears upon the flats, or drawing seines upon the shores, or setting nets, under the regulations herein after mentioned, in any such rivers, coves or creeks.

Justices in Sessions to appoint Overseers.

II. *And be it further enacted*, That the Justices of the Peace in their General Sessions held in the several Counties in this Province, may and are hereby required, to appoint one or more fit person or persons Inhabitants not being employed as Fishermen, to be Overseers of the Fisheries for each Town or Parish within their respective Counties, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish garth, seine or other incumbrance that shall be found in any river, cove or creek, contrary to the provisions of this Act.

Overseers to seize any net, &c. found contrary to the provisions of this Act, and if not claimed sell the same.

III. *And be it further enacted*, That if any net, hedge, wear, fish garth, seine or other incumbrance shall be found in any river, cove, or creek, in this Province, contrary to the Provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries and they and each of them are hereby required respectively, forthwith to seize the same, and if no owner shall appear to claim the same in Ten days, such net, seine or fish garth shall, together with the Fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties,

alties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor for the use of the Poor of the Town or Parish where such offence shall be committed.

Overplus after paying the penalties to the Poor.

IV. *And be it further enacted,* That the said Overseers of the Fisheries shall be intitled to demand and receive One Shilling and no more, for each net to be set in the districts to which they shall be respectively appointed, from the Proprietors of such nets, as a compensation for their trouble.

Overseers to receive One Shilling for each net.

V *And be it further enacted,* That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect, or refuse, to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence the sum of Five Pounds, to be sued for, recovered and applied in the same manner as the penalty of Ten Pounds herein before mentioned; can or may be sued for, recovered and applied.

Overseer neglecting his duty, to forfeit 5s.

VI. *And be it further enacted,* That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to any Sheriff or Constable, who are hereby authorized and required to take up and remove any such incumbrance forthwith; and if no person or persons appear to claim the same within ten days, the said net or nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff or Constable who may take up and

Overseer neglecting his duty, Sheriff or Constable may act.

If no claim of nets in Ten days, to become the property of the complainant and Sheriff or Constable.

remove the said nets or other incumbrance.

No net to be longer than Thirty fathoms in the main river Saint John, or extend more than Thirty into said river or broad part of the Kennebeckacis, or one fourth of the width between the shores and Islands, and in the branches one fourth of the branch, &c.

VII. *And be it further enacted*, That no net shall be set longer than thirty fathoms in the main river Saint John, or extend more than thirty fathoms into the said river, or the broad part of the Kennebeckacis river or more than one fourth part of the width of the water between the shores on each side the said rivers, and any Islands or Sand-bars in the said rivers; and in any of the branches of the said rivers not more than one fourth part of the width of the branch where such net shall be so set; and that no drag net or seine shall be used in either of the said rivers or the branches thereof to sweep the same rivers or the branches thereof, or either of them, more than one fourth part of the width of such river or branch.

Width of branches where there are Islands, to be computed from opposite shores to where the water is 3 feet deep.

VIII. *And be it further enacted*, That the width of all such branches, coves or creeks, wherein there are any Islands or Sand-bars, shall be computed from the opposite shores to the said Islands or Sand-bars to where the water surrounding the said Islands or Bars is three feet in depth.

No net to be set below the Boarshead more than 20 fathoms in length, or remain in the water, or seines be drawn, or Salmon speared, in any part of the Province, from Saturday night to Monday morning.

IX. *And be it further enacted*, That no net shall be set in the river Saint John below the Boarshead or in the harbour of Saint John, more than twenty fathoms in length: And that no net shall at any time be set or remain in the water, or any seine be drawn, or any Salmon speared, in any part of this Province, between the time of sun-set on Saturday night, and sun-rise on Monday morning; and that no nets shall be placed within less than fifty feet of each other, measured

No nets to be placed within less than 50 feet

ed

ed on a straight line, running parallel as near as may be with the shore, in any of the said places in this clause mentioned, under the penalty of ten pounds for each and every of the said offences herein before described and prohibited, to be sued for, recovered and applied in the manner herein last before mentioned, any Law, usage or custom to the contrary thereof in any wise notwithstanding.

of each other,
under penalty of
£10.

See further, 34, Geo. 3, c. 3. The remaining part of this Act relating to the County of Northumberland, repealed by 39 Geo. 3, c. 5. See further, 50, Geo. 3, c. 20; 52 Geo. 3, c. 15, and 60th, Geo. 3, c. 21. See also 47, Geo. 3, c. 13, as to Fisheries in Charlotte.

CAP. X.

An ACT for raising a Revenue in this Province.

Expired.



Anno Regni GEORGII III. Regis
Tricesimo Quarto.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Twelfth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the Fourth day of February, One thousand Seven hundred and Ninety-four; being the second Session of the second Assembly convened in the said Province.

CAP. I.

An ACT for the better Regulating the Militia in this Povince,
Expired.

CAP. II.

See Eng. Stat. 24 Geo. 2. c. 55. An ACT for apprehending Persons in any County or Place upon Warrants granted by Justices of the Peace of any other County.

Preamble.

WHEREAS it frequently happens that persons against whom Warrants are granted by the Justices of the Peace for the several Counties within this Province, escape into other Counties or places out of the jurisdiction of the Justices of the Peace granting such Warrants, and thereby avoid punishment for the offences wherewith they are charged; for the remedy whereof---

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly, That in case any per-*
Person being out of the jurisdic-

son

son against whom a legal warrant shall be issued by any Justice or Justices of the Peace of any City or County, shall escape out of the jurisdiction of such Justice or Justices granting such warrant, it shall and may be lawful for any Justice or Justices of the Peace of the City or County to which such person shall escape, go into, reside or be, and such Justice or Justices is, and are hereby required, upon proof being made upon Oath of the hand writing of the Justice or Justices granting such warrant, to indorse his or their name or names on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other City or County out of the jurisdiction of the Justice or Justices granting such warrant as aforesaid, and to apprehend and carry such offender or offenders before the Justice or Justices who indorsed such warrant, or some other Justice or Justices of such other City or County where such warrant was indorsed, in case the offence for which such offender shall be so apprehended in such other City and County as aforesaid, shall be bailable in Law, and such offender or offenders shall be willing and ready to give Bail for his appearance at the next General Gaol Delivery or General Sessions of the Peace, to be held in and for the said City or County where the offence was committed, such Justice or Justices of such other City or County, before whom such offender or offenders

tion of the Justice, who shall grant a warrant, the Justice where such person shall be, to indorse the warrant,

and the offender to be apprehended and brought before a Justice where the warrant was indorsed,

fenders

fenders shall be brought, shall and may take Bail of such offender or offenders for his or their appearance at the next General Gaol Delivery or General Sessions of the Peace, to be held in and for the City or County where such offence was committed, in the same manner as the Justices of the Peace of the City or County should or might have done in such proper City or County : and the Justice or Justices of such other City or County so taking Bail as aforesaid, shall deliver the recognizance, together with the examination or confession of such offender or offenders and all other proceedings relative thereto, to the Constable or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same, and to deliver over such recognizance, examination or other proceedings, to the Clerk of the Crown on the Circuits, or Clerk of the Peace of such City or County where such offender or offenders is or are required to appear by virtue of such recognizance. And such recognizance, examination or confession shall be as good and effectual in Law to all intents and purposes and of the same force and validity, as if the same had been entered into, taken or acknowledged before any Justice or Justices of the Peace in and for the proper City or County where the offence was committed, and the same proceedings shall be had thereon : And in case such Constable or other person to whom such recognizance, examination, confession or other proceedings, shall be so delivered as aforesaid, shall neglect

and the Justice to deliver the recognizance, &c. to the Constable to be delivered over.

Penalty on the Constable for not delivering over.

neglect or refuse to deliver the same to the Clerk of the Crown on the Circuits, or Clerk of the Peace of the City or County where such offender or offenders is or are required to appear by virtue of such recognizance, such Constable or other person shall forfeit the sum of Ten Pounds, to be recovered against him by bill, plaint or information in any Court of Record proper to try the same, by any person or persons who will prosecute or sue for the same. And in case the offence for which such offender or offenders shall be apprehended and taken in any other City or County shall not be bailable in Law, or such offender or offenders shall not give Bail for his appearance at the next General Gaol Delivery, or General Sessions of the Peace, to be held in and for the said City or County where the offence was committed; to the satisfaction of the Justice before whom such offender or offenders shall be brought in such other City or County, then and in that case the Constable or other person or persons so apprehending such offender or offenders shall carry and convey such offender or offenders before one of His Majesty's Justices of the Peace of the proper City or County where such offence was committed, there to be dealt with according to Law.

If the offence be not bailable, or offenders do not give Bail,

the Constable to carry offenders before a Justice where the offence was committed.

II. *And be it further enacted,* That no action of Trespass, False Imprisonment, Information or Indictment, or other action shall be brought, sued, commenced or prosecuted by any person or persons whatsoever against the Justice or Justices who shall in-

The Justice indorsing the warrant not liable to an action.

dorse such warrant, for or by reason of his or their indorsing such warrant.

III. *Provided nevertheless*, That such person or persons shall be at liberty to bring or prosecute his or their action or suit against the Justice or Justices who originally granted such warrant, in the same manner as such person or persons might or could have done in case this Act had not been made.

The Justice granting the warrant may be prosecuted.

CAP. III.

Refer to 33 Geo. 3. c. 9.

An ACT to explain and amend an Act, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province."

resemble.

WHEREAS in and by an Act made and passed in the thirty-third year of His Majesty's Reign, intituled, "An Act for regulating the Fisheries in the different Coves and Creeks in this Province," it is enacted "That no net shall be set in the river Saint John below the Boarshead, or in the Harbour of Saint John, more than twenty fathoms in length": AND WHEREAS doubts have arisen whether under the said Law more than one length of such nets may be set; for preventing such doubts in future---

Not more than one net to be set in the same line, below the Boarshead, or in the harbour of Saint John,

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act only one length of the nets herein before described, shall be set in the same line running into the water in any part of the river Saint John below the Boarshead, or in the harbour of Saint John, and if any person shall set any length of net running

running into the water in the same line with the net which is permitted to be set by the said herein before recited Act, every person so offending shall for every offence forfeit and pay the sum of Ten Pounds, to be recovered, paid and applied in the same manner, and to the same uses as the first penalty mentioned in the said herein before recited Act can or may be recovered, paid and applied: AND WHEREAS, in and by the said herein before recited Act, *it is enacted*, “That no nets shall be placed within less than fifty feet of each other, measured upon a straight line running parallel, as near as may be, with the shore in any of the places in the said Act for that purpose particularly mentioned.” AND WHEREAS doubts have arisen whether the distances between such nets may be marked and ascertained upon more than one such line parallel with the same shore; for preventing such doubts in future---

under the penalty of £10 for every offence.

II. *Be it enacted*, That the distances between such nets shall be marked and ascertained upon one such line parallel with any part of the shore, in the river St. John below the Boarshead, or in the harbour of Saint John.

Distances between nets to be marked upon one line parallel with the shore.

III. *And be it further enacted*, That where no goods or chattels can be found whereon to levy, by warrant of distress and sale of the offenders' goods, the fines and penalties inflicted in this and the said herein before recited Act, it shall and may be lawful for the Justice and Justices, and the Court before whom or which the conviction may be, to commit

Offenders may be committed to Prison for want of effects.

mit

mit the offender or offenders to the public Gaol in the County, for any time not exceeding Thirty nor less than Ten days, as such Justice or Justices, or Court shall respectively think fit.

IV. *And be it further enacted*, That the said herein before recited Act, and every clause matter and thing therein contained, shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

See further, 39, Geo. 3, c. 5. 50 Geo. 3, l. 20. 52, Geo. c. 15 & 60 Geo. 3, c. 21.

CAP. IV.

An ACT for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte.

WHEREAS the times appointed for holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte have been found inconvenient; for remedy thereof---

Preamble.

Courts to be held on the 2d Tuesday in April and 3d Tuesday in September.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly*, That the said Courts shall hereafter be holden on the second Tuesday in April, and third Tuesday in September in every year, instead of the first Tuesday in April and first Tuesday in September as heretofore accustomed.

No Process to abate by reason of the alteration.

II. *And be it further enacted*, That no writ or process whatsoever, shall abate or be discontinued by reason of this alteration, but that all writs and processes which are, or shall be returnable to the said respective Courts on the days and times heretofore established,

established, shall be proceeded upon in the same manner as if they were made returnable on the days now established and appointed.

See further, 35, Geo. 3, c. 2.

CAP. V.

An ACT to alter and amend an Act, intituled "An Act for regulating Inn-Holders, Tavern Keepers and Retailers of Spiritous Liquors." Refer to 26 Geo. 3, c. 36.

WHEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty's reign intituled, "An Act for regulating Innholders, Tavern Keepers and Retailers of Spirituous Liquors," *it is enacted* "That no Retailer, Inn-holder, Tavern or Ale-house keeper, who shall sell upon trust or credit any Wine, strong Beer, Ale, Brandy, Rum, or other spirituous Liquors mixt or unmixt, to any Soldier, Sailor, Servant or other person whatsoever, to the amount of any sum exceeding the sum of five shillings, shall have any remedy to recover the same either at Law or in equity, against any of the persons aforesaid, their Executors or Administrators." Preamble.

Be it enacted by the Lieutenant-Governor, Council and Assembly, That nothing in the said recited Act shall be construed to extend to prevent any Retailer, not being an Ale-house keeper, Tavern-keeper or Inn-holder, from selling on credit to any person or persons not being Soldiers, Sailors or Servants, or shall debar such Retailer from a legal recovery, any thing in the said Act to the contrary notwithstanding. Retailers not being Tavern-keepers, may sell upon credit to persons not being Soldiers, Sailors or Servants.

CAP. VI.

An ACT to alter and amend an Act, intituled, "An Act for as-
" certaining Damages of Protested Bills of Exchange."

Refer to 26 Geo.
3, c. 22.

Preamble.

WHEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for ascertaining Damages on Protested Bills of Exchange," *it is enacted*, "That all Bills of Exchange drawn by persons residing within this Province, on persons in any part of America and the West Indies, and sent back protested, shall be subject to *five per cent.* damages, together with the accustomed charge of protest and postage, and also *six per cent per annum*, Interest on the amount of principal, damages and charges to commence from the date of the protest for non-payment, and continue 'till the same is paid." AND WHEREAS the said damages are found in many such cases to be inadequate to the loss---

Protested Bills of Exchange drawn upon persons residing in the W. Indies, subject to 10 per cent. damages and charges, and 6 per cent. interest.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the First day of June next, all Bills of Exchange drawn by persons residing within this Province on persons residing in the West-Indies and sent back protested, shall be subject to *ten per cent.* damages, together with the accustomed charge of protest and postage, and also *six per cent. per annum* Interest on the amount of principal; damages and charges, to commence from the date of the protest for non-payment, and continue 'till the same is paid, any thing in the said herein before recited Act to the contrary notwithstanding.

II. *And be it further enacted*, That the said
herein

herein before recited Act and every clause, matter, and thing therein contained, except wherein it is hereby altered and amended, shall be, and remain in full force, any thing herein before contained to the contrary notwithstanding.

CAP. VII.

An ACT to continue an Act, intituled, "An Act for raising a Revenue in this Province."

Expired.

CAP. VIII.

An ACT in addition of an Act, intituled, "An Act for appointing Commissioners of Sewers."

Refer to 26 Geo. 3, c. 45.

WHEREAS in and by an Act passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for appointing Commissioners of Sewers," such commissioners are authorized to exercise the powers given them by the said Act upon the application of any proprietors of any Marsh, low Lands or Meadow, which power may be exercised to the injury of other Proprietors ; for remedy whereof---

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That hereafter no Commissioners of Sewers already appointed, or hereafter to be appointed by virtue of the said Act, shall have power to proceed to dyke in, or drain any body of Marsh, low Lands or Meadow, but upon the application, or by consent and concurrence of the Proprietors of at least one half of the quantity of such Marsh, low Lands or Meadow.

Commissioners of Sewers not to dike in or drain any Marsh, &c. without the consent of the Proprietors of one half of such Marsh

II. *And be it further enacted,* That such Commissioners upon making up any bill of assessment

Commissioners to state accounts

of expenditures
and work done,
and to cause no-
tice thereof to be
given to each
Proprietor 30
days previous to
issuing a warrant.

assessment shall state an account of the ex-
penditures and work done in diking or drain-
ing any such Lands under their authority
and direction, and shall cause notice of such
stated account to be given to each Proprie-
tor or his Agent at least Thirty days previous
to issuing any warrant to distrain, to the in-
tent that each Proprietor may pay their re-
spective quota previous to any such distress.

Persons aggriev-
ed by procedure
of Commission-
ers may appeal
to the Supreme
Court, or Court
of *Nisi Prius*.

III. AND WHEREAS it is expedient that
any grievance which may be suffered under
the said Act be redressed in the most easy
and expeditious manner---*Be it therefore fur-
ther enacted*, That whenever any person shall
be aggrieved by any procedure had or made
by such Commissioners or any others in pur-
suance of the said Act, such person aggriev-
ed may appeal therefrom to the Supreme
Court or Court of *Nisi Prius*, which said
Courts or either of them, may grant redress
---*Provided* notice of such appeal with the
grounds thereof, be given to the adverse
party, at least Twelve days previous to such
hearing by appeal.

Provided 12 days
previous notice
be given.

IV. *And be it further enacted*, That the said
herein before recited Act and every clause
thereof, except wherein it is hereby altered
and amended, shall be and remain in full
force, any thing herein before contained to
the contrary notwithstanding.

CAP. IX.

An ACT for preserving the Bank of the River Saint John, in front of the Parish of Magerville, Sheffield and Waterborough.

WHEREAS the annual overflow of the River Saint John washes away large portions of very valuable land on its Banks in front of the Parishes of Magerville, and Sheffield, in Sunbury County, and the upper part of Waterborough Parish, in Queen's County, and frequently obliges the Inhabitants to remove their houses, fences, and other improvements to their great damage and inconvenience: AND WHEREAS the pasturing of Cattle on the said Banks contributes greatly to this alarming waste of Land, and prevents grass and bushes when planted, from growing, binding, and preserving the ground---

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That no neat cattle, horses sheep, swine or goats shall be suffered to go at large in the highway or graze on the Bank of the River St. John in front of the Parishes of Magerville and Sheffield, and the upper part of Waterborough Parish as far as the upper line of Benjamin Birdsall's Land between the tenth day of March and the tenth day of November annually, and if any person or persons shall find any such Cattle going at large or grazing as aforesaid, such persons are hereby authorized to take and drive the same to the nearest Pound, and the Pound-keeper shall receive and detain the same until the owner or owners shall pay the penalty of three shillings for each neat cattle or horse, and one shilling for each sheep

No neat cattle, horses, sheep, swine or goats, to go at large on the Bank of the river St. John in Magerville, Sheffield and Waterborough, between the 10th of March and the 10th November, Cattle going at large to be impounded, and the owners to pay 3s. for each horse or neat cattle, & 1s. for each sheep, &c.

Also 1s. per day to the Pound-

keeper for each neat cattle or horse, & 4d. for each sheep, &c. One half of the penalties to the use of the Poor, the other half to the person impounding; and recovered before a Justice of the Peace.

sheep, swine or goat, and also one shilling per day to the Pound-keeper for feeding each neat cattle or horse, and four pence per day for feeding each sheep, swine or goat, together with the usual charges for crying the same, within fourteen days after they shall be so empounded, one half of which penalties shall be for the use of the Poor in such Parish where the offence shall be committed, and the other half to the person or persons who shall impound the same; and may be sued for and recovered before any one of His Majesty's Justices of the Peace.

Owners of cattle &c. impounded, neglecting to pay the penalties and charges.

Pound-keeper to sell as many as may be necessary.

II. *And be it further enacted,* That in case the owner or owners of such neat cattle, horses, sheep, swine or goats so impounded, shall neglect or refuse to pay the aforesaid penalties and charges, then the said Pound-keeper is hereby authorized to sell publicly so many of them as may be necessary for that purpose, and the overplus money arising from such sale, shall be paid by said Pound-keeper to the owner or owners thereof.

Justices in their General Sessions to cause Gates to be erected across the Highway—with water fences adjoining;

III. *And be it further enacted,* That the Justices in their General Sessions within the respective Counties where such Parishes lie, are hereby authorized to cause to be erected and kept up across said Highway from the said tenth day of March to the said tenth day of November, two strong Swing Gates of suitable width, and a Water-fence adjoining to each Gate, one of which Gates so to be kept up, to be erected at or near the upper line of the Parish of Magerville, and the other at or near the upper line of the Lands

of Benjamin Birdsall, in the said Parish of Waterborough; and the said Justices shall also cause two suitable Posts of wood, one on each side of each Gate, to be fixed firmly in the ground, with notches cut into the said Posts for steps, for the benefit of travellers; and the said Justices are hereby also authorized and required to order an assessment of the expence of erecting the said Gates, Fences and Posts, to be made on the Freeholders and Inhabitants residing within the district of the Parishes where such Gates, Fences and Posts are hereby authorized to be set up; and if any person or persons shall wantonly leave open, pull down or destroy such Gate or Gates, Water-fences or Posts, such offender or offenders upon conviction, shall pay double costs or damage as may be awarded to any person or persons whatsoever, to be sued for and recovered in manner aforesaid; and in case of inability to pay the same, shall suffer one months imprisonment without Bail or Mainprize.

and Posts to be fixed at each Gate;

and to order an Assessment of the expence thereof.

Persons leaving open, pulling down, or destroying Gates, &c. to pay double costs.

or suffer one month's imprisonment.

IV. *Provided always, and be it further enacted,* That this Act shall not extend to any neat cattle, horses or other stock which may be travelling along said Road from one part of this Province to another.

Act not to extend to cattle &c. travelling.

V. *And be it further enacted,* That this Act shall be and remain in full force for and during the term of two years and no longer.

Limitation of the Act.

Continued for 5 years by 36 Geo. 3, c. 3. Further continued for 4 years by 41, Geo. 3, c. 10. See further, 45, Geo. 3, c. 19, & 56, Geo. 3, c. 12, making the same perpetual.

Vide also 45, Geo. 3, c. 13.

CAP. X.

An Act for Appropriating and Disposing of the Public Monies.

Expired.



Anno Regni GEORGII III. Regis
Tricesimo Quinto.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Twelfth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the Third day of February, One thousand Seven hundred and Ninety-five; being the third Session of the second Assembly convened in the said Province.

CAP. I.

An ACT for the more easy and speedy recovery of Small Debts.
Expired.

See 50, Geo. 3, c. 17.

CAP. II.

An ACT to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the Summary Trials of certain Actions.
Refer to 26 Geo. 3. c. 9. 31 Geo. 3. c. 9. and 32 Geo. 3 c. 4.

WHEREAS the enabling the Justices of the several Inferior Courts of Common Pleas in this Province, to hold Four Terms in the year will tend to the more speedy and easy administration of Justice---
Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That there shall be Two additional Terms in each year for the sittings of the said Inferior Courts of*
Two additional Terms in each year for the Sitting of the Inferior Courts of Common Pleas.

* Altered by 42
Geo. 3 c. 3.
† Altered to 3d,
Tuesdays in
March by 45
Geo. c. 2.

‡ Altered to the
4th Tuesday in
March 45th Geo.
3. c. 10.

Common Pleas in the several Counties, at the times following, to wit: For the County of *Westmorland* on the *Third Tuesdays of April and October*; * for the County of *Charlotte* on the second Tuesdays of July and December; for the County of *York* on the *second Tuesdays in April* † and October; for the County of *Sunbury* on the *third Tuesdays in April* ‡ and October; for *Queen's County* on the Fourth Tuesdays in April and October; for *King's County* on the First Tuesdays in May and November; at which said Terms no Jury shall be summoned to attend.

Preamble

And whereas doubts have arisen whether the Jurisdiction of the said Inferior Courts of Common Pleas, extended to any other causes than those in which the parties were Inhabitants of the County, and where the promise was made or other cause of action arose immediately within the County in which the suit was brought. And whereas it is deemed advisable to extend the Jurisdiction of the said Inferior Courts of Common Pleas so as that they may have cognizance of causes where the sum or thing in contest may exceed the value of fifty pounds.

The Jurisdiction of the said Courts to extend to all actions arising in any other County, except where the Titles to lands come in question and to have concurrent Jurisdiction with the Supreme Court May issue Subpoenas, which shall be of the

II. *Be it further enacted*, That the Jurisdiction of the said Courts respectively, shall be considered to extend to all transitory actions and all other actions arising within any other place or County (except where the title to Lands come in question) and shall in those cases, except as aforesaid, have a concurrent Jurisdiction with the Supreme Court of this Province: And that the said Justices of the Inferior Courts of Common Pleas

Pleas, be, and hereby are empowered to issue Subpœnas for any witness or witnesses residing in any of the Counties within the said Province. And that all Subpœnas so issued from the said Justices of the said Inferior Court of Common Pleas, shall be of the same validity to compel the appearance of the witness or witnesses as if such Subpœna or Subpœnas had been issued from the Inferior Court of Common Pleas in the County where the witness or witnesses reside. *Provided always*, That it shall and may be lawful to and for any Defendant or Defendants in any suit to be commenced in either of the said Inferior Courts of Common Pleas, in which the sum or thing in contest exceeds the sum of ten pounds, to remove the same suit before it shall be determined into the said Supreme Court by *Habeas Corpus*; and after any suit shall be determined and the amount of the Judgment shall exceed the sum of ten pounds, it shall and may be lawful for either party to bring a Writ of Error upon the said Judgment to remove the same into the said Supreme Court.

same validity to compel the appearance of witnesses as if issued from the Court in the county where the witness resides.

The Defendant in any suit commenced in either of the inferior Courts of Common Pleas, in which the thing in contest exceeds 10*l.* may remove the same into the Supreme Court before it shall be determined, and either party may bring a Writ of Error after Judgment if exceeding 10*l.*

III. *And be it further enacted*, That in cases where the Plaintiff's cause of action shall amount to upwards of three pounds and affidavit thereof made and filed, the Defendant or Defendants in such suit may be held to bail as has been heretofore accustomed.

The Defendant may be held to Bail on affidavit where the cause of action exceeds 3*l.*

See further, 42, Geo. 3, c. 5, & c. 7.

IV. *And be it further enacted*, That in cases where the Plaintiff or Plaintiff's reside in any other County than that in which the suit is

Where the plaintiff resides in any other County—

intended

affidavit may be made before any Justice of the Supreme Court, or of the Common Pleas in the county when the Plaintiff resides, or Commissioner for taking affidavits, &c.

intended to be commenced, the affidavit to hold to bail may be made either before the Chief Justice or other Justice of the Supreme Court, or any Justice of the Common Pleas of the said County in which the same Plaintiff or Plaintiffs reside, or any Commissioner appointed for taking affidavits to be read in the Supreme Court for the same County; and in all cases the affidavit to hold to bail may be made before the officer who issues the process, or his deputy.

Preamble.

And whereas it has been found by experience that the present mode of practice in the prosecution of suits in the said Inferior Court of Common Pleas and the Mayor's Court of the City of Saint John, where the sum or thing in contest has not exceeded the sum of Ten Pounds, has been attended with an expence that does not bear a reasonable proportion to the said sum or thing in contest.

The Courts of Common Pleas and Mayor's Court of St. John in all actions not exceeding 10*l.* to proceed in a summary way to try the cause,

V. Be it therefore enacted, That from and after the passing of this Act, the said Courts are hereby respectively empowered in all actions of debt, actions of assumpsit, and actions of trover and conversion brought before them, the sum total whereof, shall not exceed ten pounds, to proceed in a summary way by the examination of witnesses in open Court, or other legal evidence, to try the merits of such causes wherein no dilatory plea shall be admitted, and to determine therein, according to Law or Equity, and make up Judgment accordingly unless such cause shall be put to issue by a Jury, in which case such cause shall be continued to

and make up Judgment; unless the cause be put to issue by a Jury

the

the next stated Term. *Provided always,* That where the cause shall be determined by the said Court the *first* Term, the said Court shall grant a stay of execution for three months, or until the next Term.

Where the cause shall be determined at the first Term, the Court to grant a stay of execution.

VI. *And be it further enacted,* That in the said causes the bill of complaint or declaration shall be inserted in the Writ, a copy of which shall be served on the Defendant or Defendants, who shall at the Term to which the Writ is returnable, or within twenty days after put in Bail or enter his or their appearance in the said actions, and if he or they intend to defend the same, file the General Issue and give a copy thereof to the said Plaintiff or Plaintiff's Attorney, and the said cause shall be tried and determined by the Court or Jury at the next succeeding Term, unless upon application made by either party and sufficient causes shewn by affidavit the Court may think proper to put off the trial on account of the absence of a material witness; and in case the Defendant or Defendants shall not at the term to which the writ is returnable, or within Twenty days after as aforesaid, file the General Issue in the said cause and give to the said Plaintiff or Plaintiff's Attorney a copy thereof, that then Judgment may be entered by default in the said causes at the next succeeding Term and the Court assess the damages as has been heretofore accustomed.

The declaration to be inserted in the writ, a copy of which to be served on the defendant, who is to put in Bail or enter an appearance, and file the General Issue,

The cause to be tried at the next Term, unless the Court put off the trial for want of evidence.

If the Defendant do not at the return of the writ or within twenty days thereafter, file the General Issue Judgment to be entered by default.

VII. *And be it further enacted,* That the presiding Justice in the said Courts respectively, shall sign the entry made in the minutes of the said Courts of the Judgments so given in every cause determined in a summa-

Presiding Justice to sign the entry of Judgment in the minutes, a copy of which certified under the Seal of the Court

to be evidence in
all Courts in the
Province.

ry way either by the Court or Jury as aforesaid ; a copy of which certified by the Clerk under the Seal of the Court, shall be evidence of the said Judgment in all Courts within this Province.

Justices Fees.

VII. *And be it further enacted,* That the Fees attending the prosecution of suits determined in a summary way by the Court as aforesaid, shall be as follows : To the Justices upon filling the writ, Two Shillings ; for Trial and Judgment and taxing Costs, Three Shillings ; taking Bail, if at his Chambers, Two Shillings ; to the Clerk for signing and sealing the writ and filing the Præcipe, One Shilling and Sixpence ; for filing the affidavit for Bail, Four Pence ; for filing the writ and entering the cause, One Shilling and Sixpence ; for final Judgment, Two Shillings ; for entering the Defendant's appearance and filing Plea, One Shilling and Six Pence ; to the Attorney for Writ, Præcipe, Affidavit and Declaration, Eleven Shillings and Eight Pence ; if no Bail required, then Ten Shillings ; and in all causes that do not go to a Jury for all other proceedings until final Judgment, Eight Shillings and Four Pence ; to the Sheriff and Crier the same Fees as in other cases in this Court.

Clerk's Fees.

Attorney's Fees.

Remaining part of this Act obsolete.---See further, 42, Geo. 3, c. 7.

CAP. III.

An ACT in addition to an Act, intituled, " An Act for the better
 " ascertaining and confirming the Boundaries of the several Coun-
 " ties within this Province, and for sub-dividing them into Towns
 " or Parishes." Refer to 26 Geo.
3 c. 1.

WHEREAS the Boundaries of the
 Towns or Parishes of Westfield, Preamble.
 Sussex, Springfield and Kingston, as estab-
 lished in and by an Act made and passed in
 the Twenty-sixth year of His Majesty's reign
 intituled, " An Act for the better ascertain-
 " ing and confirming the Boundaries of the
 " several Counties within this Province, and
 " for subdividing them into Towns or Pa-
 " rishes," have been found inconvenient---

*Be it therefore enacted by the Lieutenant-
 Governor, Council and Assembly, That from
 and after the passing of this Act, the said* The Parishes of
Westfield, Sus-
sex Springfield,
and Kingston, in
King's County,
limited and
bounded.
 Towns or Parishes of Westfield, Sussex,
 Springfield, and Kingston, in King's County,
 shall be bounded and limited respectively in
 the manner heinafter described, any thing
 in the said recited Act to the contrary not-
 withstanding, that is to say: The said Town
 or Parish of Westfield to be bounded on the
 North, South, and West, by the northern,
 southern and western boundary lines of the
 County, and on the East by a line running
 from the mouth of a Creek which discharges
 into the Long-reach at Devil's Head, North-
 west to the northern line of the County, and
 South-east to the rear line of the Lots front-
 ing on the North-west shore of Kennebecka-
 cis Bay; thence South-west to the north-east-
 ern line of Lot number Twenty-eight grant-
 ed to Dennis Coombes, thence South-east to

Boundaries of
Westfield.

Boundaries of
Sussex.

Boundaries of
Springfield.

Boundaries of
Kingston

the southern line of the County including Kennebeckacis Island : The said Town or Parish of Sussex to be bounded on the North and East by the northern and eastern lines of the County, on the West and South by a line beginning at the mouth of Halfway-Brook on the river Kennebeckacis, and running North to the northern line of the County, and South to the center of the Weston or cleared Road, thence South seventy-six degrees East to the southern line of the County, thence along the southern line of the County to the south-eastern angle thereof: The said Town or Parish of Springfield to be bounded on the North by the northern line of the County, on the West by the upper or eastern line of the Chaloner's Lot number Seven and the prolongation thereof, North-west to the northern line of the County, then following Bellisle Bay up stream until it comes opposite to a designed Road between number one and number eighteen of the Lots on the South-east side of the said Bay, and following the said designed Road and the rear of the said Lots, to the division line between Lots number Fifteen and number Sixteen, in the back Settlements and along that division line to the designed Road running through the said Settlements and dividing the two ranges of Lots, and on the South by the last mentioned Road and its prolongation to the Parish of Sussex : And the said Town or Parish of Kingston to be bounded on the North by Belisle Bay and the Long-reach, on the West by the Parish of Westfield, on the South by the Kennebeckacis

nebeckacis Bay and River, until it comes to the lower or south-western line of Isaac Ketchum's Lot number Thirty-four in the Kingston grant, and on the East by the Parish of Springfield and the said line of Lot number Thirty-four and its prolongation, to the said Parish of Springfield, including Long-Island.

II. *And be it further enacted*, That all that tract of Land in King's County, bounded on the North by the Parish of Springfield, on the East by the Parish of Sussex, on the South by a line running along the center of the Westmorland Road, and on the West by the Parish of Kingston and the lower or South-west line of Lot number Fourteen, granted to John Fritch, on the South-east side of the river Kennebeckacis and the prolongation of the said line to the centre of the Westmorland road, be one distinct Town or Parish, distinguished by the name of Norton.

Parish of Norton.

III. *And be it further enacted*, That all that tract of Land in King's County, bounded on the North by the northern line of the County, on the West, by the Parish of Westfield, on the South by the Long-reach and Bellisle Bay, and on the East by the Parish of Springfield, including the Islands in the Long-reach and mouth of Bellisle Bay, be another distinct Town or Parish, distinguished by the name of Greenwich.

Parish of Greenwich.

IV. *And be it further enacted*, That all the remaining tract of Land in King's County, bounded Westerly, Northerly, and Easterly,

Parish of Hampton.

by the Kennebeckacis Bay and River, the Parishes of Norton and Sussex, and South-
erly

erly by the southern line of the County, including Darling's Island, be another distinct Town or Parish, distinguished by the name of Hampton ; all which said lines of the said Towns or Parishes herein before mentioned, are to be considered as lines run by the magnet and not otherwise, except where they are limited and bounded by the lines of the County.

CAP. IV.

An ACT for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury.

Expired.

CAP. V.

An ACT to continue several Acts that are near expiring.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled, "An Act for relief against absconding Debtors," also an Act made and passed in the twenty-eighth year of His Majesty's reign, intituled "An Act in addition to an Act intituled 'an Act for relief against absconding Debtors,'" also an Act made and passed in the twenty-seventh year of His Majesty's reign intituled, "An Act to authorize the respective Proprietors of certain Islands in the River Saint John and other Rivers in this Province, to make Rules and Regulations for their better improvement and cultivation," and also an Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act to regulate the Sale of Goods

The act for relief against Absconding Debtors; the act in addition there to

the act to authorize the proprietors of Islands to make regulations for their improvement, and the

act to regulate the sale of Goods at Auction---

Goods sold at Public Auction or Out-cry"--- and by an Act made and passed in the twenty-ninth year of the same reign, continued in full force until the first day of March in the year of our Lord one thousand seven hundred and ninety-five, be further continued : And the said Acts are hereby continued and declared to be in full force until the first day of March which will be in the year of our Lord one thousand seven hundred and ninety-eight.

continued to the first day of March 1798.

II. *And be it further enacted,* That an Act made and passed in the twenty-sixth year of His Majesty's reign, intituled, " An Act to prevent Frauds in the Sale of Damaged Goods imported into this Province," and by an Act made and passed in the twenty-eighth year of the same reign continued in full force until the first day of March in the year of our Lord one thousand seven hundred and ninety-two ; and by an Act made and passed in the thirty-second year of the same reign continued in full force until the first day of March in the year of our Lord one thousand seven hundred and ninety-five ; be further continued : And the said Acts is hereby continued and declared to be in full force until the first day of March which will be in the year of our Lord one thousand seven hundred and ninety-eight.

The Act to prevent frauds in the sale of Damaged Goods.

continued to the 1st March 1798.

III. *And be it further enacted,* That an Act made and passed in the twenty-eighth year of His Majesty's reign, intituled, " An Act to empower the Justices of the Sessions in several Counties in this Province, to make such Regulations respecting Markets and Ferries

The Act to empower the Justices of the Sessions to regulate Markets and Ferries,

“ Ferries within such Counties as may be
 “ found necessary,” and by an Act made
 and passed in the thirty-third year of the
 same reign continued in full force for two
 years and no longer ; be further continued :
 And the said Act is hereby continued and
 declared to be in full force until the first day
 of March which will be in the year of our
 Lord one thousand eight hundred and nine-
 ty-eight.

continued to 1st
 March 1798.

CAP. VI.

An ACT to provide for the support of Beacons to be erected for
 better securing the Navigation of Passamaquoddy Bay, and build-
 ing a Slip in the Harbour of Saint Andrews.

Expired.

See further, 3. Geo. 4, c. 14.

CAP. VII.

An ACT further to continue an Act, intituled, “ An Act for rais-
 “ ing a Revenue in this Province.”

Expired.

Anno Regni GEORGII . III. Regis
Tricesimo Sexto.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: being the first Session of the third Assembly convened in the said Province.

CAP. I.

An ACT to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof.

Passed the 12th March 1796.

WHEREAS every Act of the General Assembly, in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of the General Assembly in which such Act is passed: *And whereas* the same is liable to produce great and manifest injustice; for remedy whereof---

Preamble.

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That the Clerk of the Council, shall indorse, in English, on every Act of the General Assembly which shall pass after the twentieth day of February, one thousand seven hundred and ninety-six, immediately after the title of such Act, the day, month, and year, when the same shall

Clerk of the Council to indorse on every Act when the same shall have received the Governor's assent, which shall be the date of its commencement.

have passed and shall have received the Governor's assent : And such indorsement shall be taken to be a part of such Act, and to be the date of its commencement where no other commencement shall be therein provided.

CAP. II.

An ACT for reviving and continuing an Act, intituled, " An Act
" for the Support and Relief of Confined Debtors."

*Passed the 12th March 1796.
Expired.*

See further, 41. Geo. 3, c. 5.

CAP. III.

An ACT to revive and continue an Act, intituled, " An Act for
" preserving the Bank of the River Saint John, in front of the
" Parishes of Magerville, Sheffield and Waterborough."

Passed the 12th March 1796.

Further continued.--see 41, Geo. 3. c. 10.

CAP. IV.

An ACT for preventing unnecessary expense and delay in the Pro-
cess of barring Entails, and for establishing a plain and easy Form
of conveying and assuring Estates-Tail.

Passed the 12th of March 1796.

Preamble.

WHEREAS the ill consequences of
fettered Inheritances, and the utility
and expedience of setting them at liberty,
are now generally allowed ; and the state of
this Colony renders the practice of docking
and barring Estates-Tail by Fines and com-
mon Recoveries very burthensome.

Estates-Tail
whereof no rever-
sion or remainder
is or shall be in
the King's Majes-
ty, his heirs and
successors, may
be conveyed as
Estates in *fee*
simple, by deed
of bargain and sale

I. *Be it enacted by the Lieutenant-Governor,
Council and Assembly,* That it shall and may be
lawful for any person or persons as well Femes
Covert as others whomsoever, by deed of
bargain and sale duly made and executed,
and proved or acknowledged, and register-
ed according to the form of the several Acts
of

of the General Assembly in such cases heretofore made and provided, to grant, bargain, sell and convey any Lands, tenements or hereditaments, whereof such person or persons is, are or shall be, in any way seized of any Estate-Tail, in possession, reversion or remainder, and whereof no reversion or remainder is, or shall be in the King's Majesty, his heirs and successors, of the gift or provision of His Majesty, his progenitors, his heirs or successors, to any person or persons, to hold the same to them and their heirs in fee simple absolute and unconditional, as fully and freely to all intents and purposes, as such Grantor or Grantors, Bargainor or Bargainors might or could by law grant, bargain, sell and convey any Estate of Inheritance in fee simple, of which he, she or they were or might be seized in possession, reversion or remainder; and that all and every such grants, bargains, sales and conveyances, having words sufficient to pass the fee simple in such Lands, tenements and hereditaments, so made and executed, proved or acknowledged, and registered as aforesaid, shall be good and available in the Law to the said Grantee and Grantees, Bargainee and Bargainees, and their heirs and assigns, against the said Grantor and Grantors, Bargainor and Bargainors, and against all and every the Issues of their bodies, and against all and every person or persons whomsoever, whom the said Grantor or Grantors, Bargainor or Bargainors, by Fine with Proclamations duly levied, or by common Recovery duly suffered, or both, or either such

Fine and Recovery, or other ways or means, might cut off or debar from any remainder or reversion, rent, profit, charge, right, title or possibility of, in or unto all and any the said Lands, tenements and hereditaments.

Acknowledgments of conveyances of Estates-Tail by Femes Covert to be taken and certified as directed in the Act for more effectually securing the title of purchasers of Real Estates against claims of Dower,

II. *Provided always, and be it further enacted,* That in all cases of grants, bargains, sales and conveyances of such Estates-Tail by Femes Covert, the acknowledgment of the Deed or conveyance, and the examination of the Feme Covert who executed the same, shall be had, taken and certified in manner and form as is prescribed and provided for the taking of the examination and acknowledgment of Deeds of Femes Covert by the Act of the General Assembly made and passed in the twenty-seventh year of the reign of our Sovereign Lord the present King, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims for Dower," or in case such Feme Covert do not live within this Province, then such acknowledgment and examination shall and may be had, taken and certified in manner and form as is provided in and by the Act of the General Assembly made and passed in the thirty-second year of the reign of our said Sovereign Lord the King, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower, and also to enable Femes Covert more easily to convey any Real Estate they may hold in their own right," and in all cases the examination of such Feme Covert shall be had and made separate and apart from her husband. CAP.

CAP. V.

An ACT to prevent bringing Infections Distempers into the City
of Saint John.

Passed the 12th March 1796.

Repeated.

See further, 39, Geo. 3, c. 9

CAP. VI.

An ACT to amend an Act, intituled, "An Act for regulating the
"Fisheries in the different Rivers, Coves and Creeks of this
"Province," so far as the same respects the Fisheries in that part
of the County of Northumberland which is within the Bay and
River Miramichi and its Branches.

Refer to 33 Geo
3, c. 9 and 34
Geo. 3, c. 3.

Passed the 12th March 1796.

Expired.

See 39, Geo. 3, c. 5.

CAP. VII.

An Act for regulating, laying out and repairing Highways and
Roads, and for appointing Commissioners and Surveyors of High-
ways within the several Towns or Parishes in this Province, and
for suspending for a limited time, all the Laws now in force re-
lating to the same.

Passed the 12th March, 1796,

Expired.

See 50, Geo. 3, c. 6.

Anno Regni GEORGII III. Regis
Tricesimo Septimo.

At the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord One thousand Seven hundred and Ninety-six and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, and so forth: and from thence continued by several prorogations to the Seventeenth day of January, One thousand seven hundred and Ninety-seven; being the second Session of the third Assembly convened in the said Province.

CAP. I.

An ACT to continue an Act, intituled, "An Act for the more
"EASY AND SPEEDY Recovery of SMALL DEBTS."

Passed the 18th February, 1797.

Expired.

CAP. II.

An ACT to alter and amend an Act, passed in the Twenty-sixth
year of His Majesty's reign, intituled, "An Act for prevent-
ing Trespasses."

Passed the 18th February 1797.

Repealed.

See 41, Geo. 3, c. 3.

CAP. III.

An ACT to authorise the erection of Fences and Gates across cer-
tain Roads in the several Counties in this Province where the
same shall be found necessary.

Passed the 18th February 1797.

Expired.

CAP.

CAP. IV.

An ACT for regulating the Exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same.

Passed the 18th February 1797.

So much of this Act as relates to Lumber, repealed by 59, Geo. 3. c. 11. and what relates to Fish, repealed by 59, Geo. 3. c. 12. together with the Acts herein in part recited.

CAP. V.

An ACT to prevent the Growth of Thistles.

Passed the 18th February, 1797.

Expired.

CAP. VI.

An ACT to alter and amend an Act, intituled, "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province; and for suspending for a limited time all the Laws now in force relating to the same."

Refer to 36 Geo. 3. c. 53.

Passed the 18th February, 1797.

Expired.

Anno Regni GEORGII III. Regis
Tricesimo Octavo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-eight year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Sixteenth day of February, One thousand Seven hundred and Ninety-eight; being the third Session of the third Assembly convened in the said Province.

CAP. I.

AN ACT to continue sundry Acts of the General Assembly that are near expiring.

Passed the 9th day of February, 1798.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the Twenty-sixth year of his Majesty's reign intituled "An Act for relief against Absconding Debtors;" also an Act made and passed in the Twenty-eighth year of His Majesty's reign intituled "An Act in addition to an Act "intituled 'An Act for relief against Absconding Debtors'; also an Act made and passed in the twenty-sixth year of His Majesty's reign intituled "An Act to regulate the sale of Goods sold at "Public Auction or Out Cry;" also an Act made and passed in the Twenty-sixth year

Act for relief
against Abscon-
ding Debtors 26
Geo. 3 c. 13.

Act in addition
thereto 28, Geo.
3, c. 2.

Act to regulate
the sale of goods
sold at Public
Auct.on, 26 Geo.
3, c. 41
Act to prevent
frauds in the sales
of damaged goods,

year of His Majesty's reign intituled "An Act to " prevent Frauds in the sale of Damaged Goods imported into this Province ;" also an Act made and passed in the Twenty-seventh year of His Majesty's reign intituled " An Act to authorise 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 passed in the Twenty-eighth year of His Majesty's reign intituled " An Act to empower the Justices " of the Sessions in several Counties in this " Province to make such regulations respecting Markets and Ferries within such " Counties as may be found necessary," be further continued ; and the said acts, and every clause, matter and thing therein contained, are hereby continued, and declared to be in full force until the first day of March which will be in the year of our Lord One thousand eight hundred and three and no longer.

26 Geo. 3. c. 51. Act to authorize the Proprietors of certain Islands to make regulations &c. 27 Geo. 3, c. 2.

Act to empower the Justices of the Sessions to make regulations respecting Markets and Ferries, 28 Geo. 3. c. 8 continued till the 1st March 1803.

See further 43, Geo. 3, c. 8. & 47, Geo. 3, c. 15. further continuing the above Acts, and making same perpetual.

CAP. II.

An ACT in addition to and in amendment of an Act, intituled " An Act for the Regulation of Seamen."

Refer to 26 Geo. 3 c. 53.

Passed the 9th day of February, 1798.

WHEREAS in and by the Third section of an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, " An Act for the Regulation " of Seamen," it is enacted, " that if the Master

Preamble.

“ or Commander of any ship or vessel shall
 “ ship any Seaman, knowing him to be first
 “ entered and shipped on board of any other
 “ ship or vessel, or after notice thereof giv-
 “ en him, shall not forthwith dismiss him,
 “ every such Master or Commander so of-
 “ fending and being thereof convicted, shall
 “ forfeit and pay the sum of Ten Pounds, to
 “ the use of the City or County where such
 “ offence shall be committed, to be sued for
 “ in any Court of Record proper to try the
 “ same; and such Seaman so shipping him-
 “ self, being under the obligation of a for-
 “ mer contract, shall forfeit and pay the va-
 “ lue of One Month’s wages that he shall so
 “ agree for, to be deducted from such wages
 “ as he may have due, or may afterwards be
 “ due unto him, for the use of the party ag-
 “ grieved.” And whereas the said Third
 section has hitherto been found defective and
 not to answer the purpose intended :

Third section of
 the former Act
 repealed.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the above recited section be and the same is hereby repealed; and instead thereof---*

Any Person hir-
 ing or conceal-
 ing any Seaman
 or other person
 who shall have
 signed any for-
 mer contract,
 knowing him to
 have deserted
 from any vessel
 to forfeit so/.

II. *Be it enacted, That from and after the passing of this Act, if any Master or Commander of any ship or vessel, or any other person or persons, shall hire or engage, harbour or conceal any Seaman, Mariner, or other person who shall have signed any former contract or articles, knowing him to have deserted from any ship or vessel within the province, every such Master, Commander or other person or persons so offending, and being thereof convicted shall*
 forfeit

forfeit and pay the sum of Twenty Pounds, to the use of the City or County where such offence shall be committed, to be sued for in any Court of Record proper to try the same; and such Seaman, Mariner, or other person who shall desert at any time during the voyage on which he is engaged by written contract or articles, shall over and above all penalties and forfeitures to which he is now by Law subject, forfeit all the wages he may have agreed for, or be intitled to during the voyage, from the Master or owner of the ship or vessel on board of which he shall have entered after such desertion, to the use of the owner or owners of such ship or vessel as he shall have deserted from, to be sued for and recovered in the manner before directed.

Any Seamen deserting during the voyage to forfeit, over and above the penalties to which he is by law subject all the wages he may be intitled to during that voyage, to the use of the owner or owners.

III. *And be it further enacted*, That the before recited Act and every clause, matter and thing therein contained (except wherein it is hereby altered and repealed) shall be and continue, and the same is hereby declared to be and continue in full force; any thing herein before contained to the contrary notwithstanding.

Recited Act, except as hereby altered to remain in full force.

See further, 50, Geo. 3, c. 12. empowering Treasurer of the County to sue for Penalty.

Anno Regni GEORGII III. Regis
Tricesimo Nono.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-ninth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great Britain, France and Ireland, King defender of the faith, and so forth: And from thence continued by several prorogations to the Fifteenth day of January, One thousand Seven hundred and Ninety-nine; being the Fourth Session of the Third Assembly convened in the said Province.

CAP. I.

An ACT for rising a Revenue in this Province.

Expired.

CAP. II.

An ACT to provide for payment of sundry Debts of the Province, for the year One Thousand Seven Hundred and Ninety-five.

Passed the 4th February, 1799.

Expired.

CAP. III.

An ACT for defraying the Ordinary Services of the Year One Thousand Seven Hundred and Ninety-five.

Passed 4th February, 1799.

Expired.

CAP. IV.

An ACT to provide for payment of the Services therein mentioned.

Passed the 8th February, 1799.

Expired.

CAR.

CAP. V.

An ACT for regulating the fisheries in the County of Northumberland. Refer to 33 Geo 3. c. 9.

Passed the 8th of February 1799.

WHEREAS the Laws now in force for regulating the Fisheries in the County of Northumberland have been found inadequate to the purposes intended; for remedy whereof--- Preamble

I. Be it enacted by the Lieutenant-Governor Council and Assembly, That so much of an Act made and passed in the Thirty-third year of His Majesty's reign, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," as relates to the County of Northumberland, be and the same is hereby repealed; and that from and after the passing of this Act, the Fisheries in the said County of Northumberland, shall be regulated in the manner herein after mentioned, that is to say, in the Bay and River Miramichi and its branches: No Net whatever to be set off any part of Fox-Island, Waltham alias Portage-Island, or any other Island, Middle Ground or Shoal in the said Bay River and branches, excepting as is herein after permitted. No Net to be set from Point Esquiminac to the western extremity of Huckleberry Island, to extend into the Bay more than One hundred fathoms from low water, and no Net to be set in the said space but by the Acadian or other Inhabitants of lower Bay du vin; from thence to the lot formerly owned by Thomas Ian, now owned by Duncan Robertson; no Net to be set z3 along

Repeal of the Act for regulating Fisheries, so far as relates to Northumberland.

Future regulation of the Fisheries in the said County, limiting the distances to which nets may be extended into the Bay & River Miramichie.

along the South shore in the said space, to extend into the Bay more than two hundred fathoms from Three feet water at low water; a base line to run from the said Lot to the Barn now owned by James Horton, Esq. in Bay du vin; no Net to extend into the Bay more than Two hundred fathoms from the said line; from the said Barn to the Eastern line of the Lot lately owned by John Mark Crank Delesdernier; no Net to extend into the Bay more than Two hundred fathoms; from thence to Point Aux Bar: no Net to extend into the Bay more than Two hundred fathoms from Point Aux Bar to the Lot owned by Alexander Wilson; no Net to extend into the Bay more than Three hundred fathoms from low water; a base line to run from the said Alexander Wilson's Lot to Point Cheval; no Net to extend into the Bay more than Three hundred fathoms from the said line, from point Cheval to the upper extremity of the Sand-beach in Napan Bay; no Net to extend into the Bay more than Two hundred and Fifty fathoms from low water; no Net to be set off either sides of Bay du vin Island, to extend into the Bay more than Sixty-eight fathoms from low water; a base line to run from the upper extremity of the said Sand-beach in Napan Bay to a point commonly called Green Point, on the West side of a small Creek at the end of George Murdoch's marsh; no Net to extend into the Bay more than Two hundred fathoms from the said line, and no Net set from the said line to be nearer than One hundred fathoms to the said

said Green Point ; from the said Green Point to within Forty rods of the Fish-shed, formerly occupied by James Anderson ; no Net to be set to extend into the Bay more than One hundred and Fifty fathoms from low water ; from thence to the lower extremity of East Point ; no Net to be set to extend into the River more than Eighty fathoms from low water ; no Net to be set off East Point to extend into the River more than fifty fathoms from low water ; no Net to be set off Sheldrake Island to extend into the River or Bay more than Sixty fathoms from low water ; no Net to be set off Hay Island opposite Neguac, to extend into the Bay more than Twenty fathoms from low water ; from thence to Lot no. 81, owned by James Fraser, Esq. inclusive : no Net to extend into the Bay more than Three hundred fathoms from low water, and no Net to be set in the said space to be more than Two hundred fathoms in length ; from thence to Lot no. 76, owned by James Thom, inclusive ; no Net to extend into the Bay more than Two hundred and Eight fathoms from low water ; a base line to run from low water on Lot no, 76, to the first Point above the House owned by John English, opposite to the lower end of Sheldrake Island ; no Net to extend into the Bay more than Two hundred and Fifty fathoms from the said line ; from thence to the lower line of Lot no. 71 ; no Net to extend into the Bay more than Two hundred fathoms from low water ; no Net to be set in front of Lot no. 71, to extend into the River more than Seventy fa-

th oms

thoms from low water ; a base line to commence at the upper line of Lot no. 71, or Moody's Point, at low water mark, and end at low water mark on Lot no. 69 ; from thence to continue to low water mark on Lot no. 66 ; no Net to extend into the River more than Sixty-five fathoms from the said line ; no Net to be set in front of the Lots no. 65 and 66, to extend into the River more than Sixty-five fathoms from low water ; no net to be set in front of the Lots no. 64 and 63, to extend into the river more than Seventy fathoms from low water ; no Net to be set in front of Lot no. 62, to extend into the River more than Sixty-five fathoms from low water ; no Net to be set in front of Lot no. 61, to extend into the River more than Forty-five fathoms from low water, from Lot no. 61 to Lot no 57, inclusive ; no Net to extend into the river more than Sixty-five fathoms from low water ; no Net to be set in front of the lots no. 56, no. 55, and no. 54, to be longer than Sixty-five fathoms, beyond Forty fathoms from low water ; no Net to be set in front of the lots no. 53, no. 52, and no. 51, to be longer than Sixty-five fathoms, beyond Fifty fathoms from low water ; no Net to be set in front of Lot no 50, to extend into the River more than Sixty-five fathoms from low water ; from thence to Lot no. 39, inclusive ; no Net to be set to extend into the River more than Thirty-seven fathoms from low water ; no Net to be set in front of Lot no. 38, to extend into the River more than fifty fathoms from low water ; no Nets to be set in front

See further 56,
Geo 3. c 3 ex-
tended 40 fathoms

front of Lots no. 37, no. 36, no. 35, and no. 34, to extend into the River, more than Sixty-eight fathoms from low water; from thence to Delesdernier's Saw-Mill Cove, inclusive; no Net to extend into the River more than Seventy fathoms from low water; from thence to Lot no. 14, inclusive; no Net to extend into the River more than Fifty fathoms from low water; from thence to Lot no. 5, inclusive; no Net to extend into the River more than Forty-two fathoms from low water; from thence to Lot no. 1, inclusive; no Net to extend into the river more than Fifty-five fathoms from low water; from thence along the North shore to the Cove below James Oxford's house on the North-west branch; no Net to extend more than Thirty fathoms from low water; from thence to the Saw-Mill Cove, inclusive; no Net to be set to extend into the River more than Forty fathoms from low water, excepting in front of the Lots now occupied by James Oxford, Duncan Mac Intire and George Hubbard, where the Nets shall not extend into the River more than Twenty fathoms, from one foot water at low water; from the said Saw-Mill Cove to the Cove below Barr's Point; no Net to extend into the River more than Eighty fathoms from low water; from thence to the upper Bass fishery; no Net to extend into the River more than Forty fathoms from low water; from thence to Barnet's Point; no Net to extend into the River more than Sixty fathoms from low water, excepting in front

front of the Lots occupied by George Urquhart and Thomas Wright, where no Net shall extend into the River more than Eighty fathoms from low water ; from thence to the Lot claimed by John Stewart, on the North side opposite to the Lot occupied by him on the Southside ; no Net to extend into the River more than Forty fathoms from low water ; no Net to be set in front of the Lot owned and occupied by John Stewart on the South side, nor along the South or Western shore, downwards to Bauhebert's Point, inclusive, to extend into the River more than Forty fathoms from low water ; a base line to run from East Point to West Point ; no Net to extend into the River more than Fifty fathoms from the said line ; from low water mark at West Point ; a base line to run to low water mark at the lower Point of Lot no. 9 ; no Net to extend into the River more than Sixty-five fathoms from the said line ; from the said Point of Lot no. 9, to Terril's Point ; no Net to extend into the River more than Sixty-five fathoms from low water excepting in front of Lots no. 18 and no. 19, where the Nets are to extend Sixty-five fathoms beyond Twenty fathoms at low water ; no Net to be set off Terril's Point to extend into the River more than Forty fathoms from low water ; a base line to run from Terril's Point to the lower end of Middle Island ; no Net to be set to extend into the River more than Forty-eight fathoms from the said line ; no Net to be set from Middle Island towards the North shore

shore to extend into the River more than Fifty fathoms from low water ; no Net whatever to be set from Middle Island towards the South shore ; no Net to be set from the South shore opposite to the upper end of Middle Island, to Alexander Gunn's lower Lot, inclusive, to extend into the River more than Fifty-two fathoms from low water, excepting in front of the Lots no. 28 and no. 29, which shall not exceed Sixty fathoms from low water, and in front of Lot no. 32 no Net to extend into the River more than Thirty-eight fathoms from low water ; no Net to be set in front of Lot no. 33 to extend into the River more than Fifty-five fathoms from low water ; no Net to be set in front of the Lots no. 50, no. 51, no. 52, no. 53, and no. 54, inclusive, to extend into the River more than Sixty fathoms from low water ; from thence to Lot no. 58, inclusive ; no Net to extend into the River more than Sixty fathoms from low water ; no Net to be set in front of the Lots no. 59, no. 60 and no. 61, to extend into the River more than Fifty fathoms from low water ; from thence to the Lot no. 41, in the Grant to the late William Davidson, Esquire ; no Net to extend into the River more than Forty fathoms from low water ; no Net to be set in front of the Lot lately occupied by Joel Spencer Turner, to extend into the River more than Seventy fathoms from low water ; no Net to be set from Beauhebert's Island to extend into the River more than Thirty fathoms from low

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water ;

water ; no Net whatever to be set in the Tickle between Beauhebert's Island and Beauhebert's Point ; no Net whatever to be set in front of the Burying Ground on Beauhebert's Point ; no Net to be set from either side of the South-west branch from Beauhebert's Point on the Western shore and Joel Spencer Turner's Lot on the Eastern shore to the Elm Tree, inclusive, to extend into the River more than Forty fathoms from low water ; no Net to be set between the extremity of Barnaby's Island and the Lot owned by William Gillice on the North shore, to extend into the River more than Thirty fathoms from low water ; from the Elm Tree to the Nashwaack Portage ; no Net to be set from either side to extend more than one third part across the said branch. *Provided always and it is hereby declared,* That no Net to be set in either of the branches by virtue of this Act, shall extend more than one third part across such branch, any thing herein before contained to the contrary notwithstanding ; and that no Net shall at any time be set or remain in the water, or any Seine be drawn, or any Salmon speared, in any part of the Bay or River Miramichi and its branches, between Sun-set on Saturday night and Sunrise on Monday morning ; and that this clause shall extend to the cross-Net claimed by the heirs of the late William Davidson, Esq. at the Elm Tree in the South West branch of Miramichi River aforesaid ; no Nets whatever to be set inside of any base lines

No Net to be set in the said Bay or River, nor Seine drawn, nor Salmon speared, between Sun-set on Saturday & Sunrise on Monday.

lines allowed in the Bay, River and Branches, excepting in front of the Lot owned by Robert England in Nassau Bay, where the Net may extend into the Bay in front of the said Lot two hundred fathoms from low water and in front of the Lot owned by Richd. Home in the said Nassau Bay, where the Net may extend Two hundred fathoms from low water, provided no part of the said quantity of Net is set outside of the said line; no Net to be set off vacant Lands in the Bay, River, or Branches below the upper Settlement on the South west branch, to extend from either shore more than Five fathoms from low water, until the said Lands are allotted by Government or occupied by permanent Settlers.

No Net to be set off vacant Lands, more than five fathoms from low water.

Section 2, repealed by 4th Geo. 4, c. 23. s. 1. and new provision made in lieu thereof

III. *And be it further enacted,* That the Justices, of the Peace in the said County of Northumberland in their General Sessions, may and are hereby required to appoint one or more fit person or persons to be Overseers of the Fisheries for each Town, Parish or District, who shall be sworn to the faithful discharge of their duty; and shall have power to remove any Net, Hedge, Wear, Fish-garth, Seine or other incumbrance, that shall be found in any River, Cove or Creek, contrary to the provisions of this Act.

General Sessions to appoint Overseers of the Fisheries.

Their Oath, and Duty.

IV. *And be it further enacted,* That if any Net, Hedge, Wear, Fish-garth, or other incumbrance, or any drift Net, shall be found in any River, Cove or Creek, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries,

Further duties & powers of Overseers, to seize Nets, &c.

and they and each of them are hereby required respectively forthwith to seize the same; and if no owner shall appear to claim the same within Ten days, such Net, Seine or Fish-garth, shall together with the Fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor for the use of the Poor of the Town or Parish wheresuch offence shall be committed.

Their Fees. V. *And be it further enacted,* That the said Overseers of the Fisheries shall be intituled to demand and receive One Shilling and no more for each set of Nets to beset in the district to which they shall be respectively appointed from the Proprietors of such Nets, as a compensation for their trouble.

Penalty for neglect of duty.

VI. *Be it further enacted,* That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect, or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence, the sum of Five Pounds, to be sued for, recovered and applied in the same manner as the penalty of Ten Pounds herein before mentioned, can or may be sued for, recovered or applied.

In case of neglect of Overseers, Sheriff or Constable to perform their duty.

VII. *And be it further enacted,* That if any overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to the Sheriff, his Deputy, or any Constable, who are hereby authorized and required to take

take up and remove any such Incumbrance forthwith; and if no person or persons appear to claim the same within Ten days, the said Net or Nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff, his deputy, or any Constable who may take up and remove the same.

VIII. *And be it further enacted,* That no Salmon shall be taken or killed in any manner whatever in the River Miramichi, or in the River Restigouche, or in any of the branches of the said Rivers, from the Thirtieth day of August, to the First day of April in every year; nor shall any person purchase any Fish so killed or taken, under the penalty of Five Shillings for each Fish, so killed, taken or purchased, to be recovered before any of His Majesty's Justices of the Peace, for the County of Northumberland, for the uses aforesaid.

No Salmon to be taken or killed, from 30th August to 1st of April, nor purchased, under penalty of 5s.

IX. *And be it further enacted;* That the Justices of the Peace in the said County of Northumberland, in their General Sessions, shall and may make such rules and regulations for the Fisheries in all other Rivers, Coves and Creeks within the said County, not herein and hereby regulated, as they shall think fit---*Provided* the same regulations so to be made, be not contrary to nor inconsistent with the provisions herein before contained; and the overseers of the Fisheries to be appointed in pursuance of this Act,

General Sessions to make rules & regulations for the Fisheries in all other places of the said County, not contrary, to this Act.

are

are hereby required to see that such rules and regulations so to be made are observed and enforced in the same manner as any of the rules and regulations in this Act are required to be observed and enforced under such penalties, not exceeding Ten pounds, as they the said Justices in their discretion shall think fit.

Continuance of the Act X. *And be it further enacted,* That this Act shall continue and be in force Seven Years, and no longer.

Continued to 1820, by 15. Geo. 3. c. 19, & 50. Geo. 3. c. 4. amended by 56th Geo. 3. c. 3. further continued to 1823, by 60. Geo. 3. c. 4. and further amended and continued to 1828 by 4th Geo. 4. c. 28.

CAP. VI.

An ACT in amendment of an Act made and passed in the Thirty-first Year of His Majesty's reign. intituled "An Act for the support and relief of Confined Debtors."

*Passed the 8th February 1799
Expired.*

See further 41, Geo. 3. c. 5, and subsequent Acts there referred to.

CAP. VII.

An ACT to authorize the Justices of the Sessions in several Counties of this Province, to make Regulations, for the Weighing of Hay within such Counties where it may be found necessary to erect Machines for that purpose.

Passed the 8th day of February, 1799.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That from and

Justices of the Peace in General Sessions, excepting Saint John, may permit Machines for weighing Hay,

after the passing of this Act, the Justices of the General Sessions of the Peace for the several Counties in this Province, except the County of Saint John, be, and hereby are authorized and empowered, if they think fit, to erect or give permission for erecting Machines for the Weighing of Hay in such

Town

Town or Parish as they from time to time shall judge necessary, and to make and ordain such rules and regulations, and establish such rates and allowances to the owners and proprietors of the said Hay Machines in their respective Counties as they may judge necessary for the better government and management of the same; and that the said Justices shall and may affix such penalties not exceeding Ten pounds, as they may think necessary for the carrying into execution such rules and regulations; and for the establishing such rates and allowances so by them to be made and established; such penalties to be recovered on the Oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace, for the County where the penalty shall be incurred, and to be levied by warrant of distress and sale of the offender's goods, one half to the informer, and the other half to the use of the Poor of the Town or Parish where the offence shall be committed.

ordain regulations,
establish rates;

and affix penalties,

to be recovered
before any two
Justices of the
Peace, and levied
by distress.

CAP. VIII.

An ACT to prevent the Importation or Spreading of Infectious Distempers within this Province.

Passed the 8th February, 1799.

WHEREAS Infectious Distempers have lately prevailed in different parts of the United States of America-- And *whereas* it is necessary to prevent, if possible, the Importation of such desolating disorders into this Province--

Preamble;

I. Be it enacted by the Lieutenant-Governor,

No person coming in any Vessel from any place, where any contagious Distemper prevails, shall land without permission, of one of His Majesty's Justices of the Peace, under penalty of 10l.

nor, Council and Assembly, That no Master Mariner or Passenger whatsoever, belonging to or coming in any British vessel, or in any vessel owned in the United States of America, from any port or place where the yellow Fever, putrid bilious Fever, or other pestilential or contagious Distempers does prevail, shall land within the limits of any County in this Province, without permission first had and obtained in writing under the hand and seal of one of his Majesty's Justices of the Peace for such County, under the penalty of Ten Pounds, for each and every person so landing without a written permission as aforesaid.

Masters, &c having charge of any Vessel, who shall land any person within the County of Charlotte, without such permission, upon conviction, that such person had within 30 days been at any infected place in the United States shall forfeit 10l.

II. *And be it further enacted,* That if any Master, Owner or other person whatever, having charge of any vessel or coasting craft, or any boat, skiff or other craft, do land any person whatever within the limits of the County of Charlotte, taken from on board any vessel or craft whatever, or from any of the shores of the United States of America, or from Moose Island, Dudley Island, or Frederick Island, without a written permission first had and obtained as aforesaid, such offender shall on conviction that such person so unlawfully landed has been, within Thirty days of such landing, at any port or place in the United States, infected as aforesaid, forfeit and pay for every person so landed, the sum of Ten Pounds, and on failure of such payment, shall suffer not exceeding Three months imprisonment.

III. *And be it further enacted,* That all Tavern keepers and other House-keepers whatever, within the County of Charlotte, shall make

make immediate report to the nearest Justice of the Peace of all and every person whatsoever, coming by what route soever, from any port or place infected as aforesaid, into any or either of their families, under the penalty of Ten Pounds, for each and every person so omitted to be reported as aforesaid.

Tavern-keepers, &c. to make report to the nearest Justices, under penalty of 10*l*.

IV. *And be it further enacted*, That it shall and may be lawful for any of His Majesty's Justices of the Peace within the said County of Charlotte to remove forthwith, or direct to be removed without the limits of this Province, any person or persons, not being his Majesty's subjects, who may have come into the said County from any port or place infected as aforesaid; provided such person shall not have resided Thirty days within the said County; in case he suspects danger of Infection from such person continuing to reside within said County.

Justices of the Peace authorized to remove aliens coming from infected places.

V. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in the respective Counties at their General Sessions, or at any Special Sessions to be called for the purpose, to make such further rules and regulations in aid of the present Act, for the better preventing the importation or spreading of such infectious Distempers, with such pains and penalties not exceeding Ten Pounds, for each and every offence, against such rules and regulations as to them may seem meet.

Justices of the Peace authorized to make further regulations.

VI. *And be it further enacted*, That the Fines and penalties in this Act mentioned, shall and may be recovered before any two of His Majesty's Justices of the Peace for the County where such offence shall be committed,

Fines to be recovered before two Justices of the Peace.

ted, on the Oath of one or more credible witness or witnesses, and applied to the benefit of such County.

Not to extend to the City of Saint John.

VII. *And be it further enacted*, That, this Act shall not extend or be construed to extend to the City of Saint John.

See further provisions and amendment 3. Geo. 4, c. 8.

CAP. IX.

An ACT to repeal an Act made and passed in the Thirty-sixth Year of His Majesty's Reign, intituled, "An Act to prevent bringing Infectious "Distempers into the City of St. John," and to make more effectual provision for preventing the importation and spreading of such contagious Distempers.

Passed the 8th February 1799.

WHEREAS an Act made and passed in the Thirty-sixth Year of his present Majesty's reign, intituled, "An Act to prevent bringing "Infectious Distempers into the City of Saint John," has been found ineffectual---

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly*, That the aforesaid Act be, and the same is hereby repealed.

Former Act repealed 36, Geo. 3 c. 5.

II. *And be it further enacted*, That no vessel having on board the yellow Fever, putrid bilious Fever, or other pesulential or contagious Distemper, or coming from any place infected with any of the before mentioned distempers, shall come or proceed, or be navigated or conducted further from the sea, towards or higher into the harbour of Saint John than the Point commonly called Pagan's Point, or a line running due West therefrom, until such vessel shall after her arrival have anchored at some place between the Point and line aforesaid and Partridge Island, and there have been and remained

Regulations of vessels having on board contagious distempers, or coming from infected places, on entering the harbour of St. John. Their inspection and place of anchorage appointed.

remained at anchor for the space of three days, nor until such vessel shall have been duly inspected and examined, and shall have obtained a licence for that purpose from the Mayor, Recorder and Aldermen, of the said City of Saint John, or any two of them; which licence shall in no case be granted in less than Three days after anchoring as aforesaid: And in case such licence shall be denied, and it shall be judged expedient by the said Mayor, Recorder and Aldermen, or any two of them, that the said vessel with the cargo and goods, and all persons on board should ride or perform quarantine, then the Master or Commander, or other person having charge of the said vessel, for the time being, shall cause the said vessel, with all the persons and goods and cargo on board, to anchor in such place and for such length of time not exceeding Forty days, as the said Mayor, Recorder and Aldermen, or the major part of them shall direct and appoint; and all and every Master and Masters, and Commander and Commanders of vessels, and every other person who shall disobey or contravene any such direction or appointment, or neglect to execute and perform the same, or shall without a licence for that purpose first had and obtained from the said Mayor, Recorder and Aldermen, or any two of them, go on shore, or put on shore, or unlade, or assist in putting on shore, or unloading, any person or goods from any such vessel as aforesaid, before the said quarantine or time of anchoring, so limited, directed and appointed, shall be fully completed and expired, shall for each and

Mayor, &c. may licence vessels to proceed, after 3 days, or may direct a quarantine.

Penalty on Masters, &c. disobeying or neglecting such directions.

every offence severally forfeit and pay the sum of Two hundred pounds.

The Master of such vessel shall hoist an Ensign, with the Union down, or other signal, under penalty of 20/.

III. *And be it further enacted,* That the Master or Commander of every vessel, having on board the yellow Fever, putrid bilious Fever, or any other pestilential or contagious Distempers, or coming from any place infected with any of the aforementioned Distempers, shall immediately after her arrival at or within Partridge Island, at the mouth of the harbor of Saint John, hoist such vessel's Ensign with the Union down, or if there be no Ensign on board, then he shall hoist such other colours as shall be on board half Mast, and continue the said signal so hoisted, until a licence be had to remove the same, from the said Mayor, Recorder and Aldermen, or any two of them, which licence shall in no case be granted in less than three days after first anchoring as aforesaid, under the penalty of Twenty Pounds for each and every offence.

Mayor, Aldermen, and Commonalty of Saint John, to appoint one or more Physicians, to inspect such vessels,

IV. *And be it further enacted,* That the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council be, and they are hereby authorized and required to nominate and appoint one or more Physician or Physicians, who shall have power and authority to go on board, visit and inspect all vessels arriving as aforesaid, which may be suspected of having on board the said yellow Fever, putrid bilious Fever, or other pestilential or contagious Distemper, and who are required at the request of the Mayor, Recorder or Aldermen, or any two of them, to go on board such suspected vessel or vessels, and make full inquiry and examination

examination into the state of the health of all persons on board, or who have been on board, during any part of the voyage, and whether the said vessel or vessels came from or touched at any place infected with any of the Distempers aforesaid, and into and concerning all circumstances and matters in any wise touching or concerning the prevalence of any of the said Distempers at any place where the said vessel or vessels may have touched, or from which the said vessel or vessels may have sailed; and the said Physician and Physicians shall make report from time to time in writing to the Mayor, Recorder and Aldermen, or any two of them, so requesting him or them to go on board and make examination as aforesaid, of the result of such examination and inquiry, with his or their opinion and advice thereon.

and to make report.

See further 59, Geo. 3. c. 7, repealing remainder of this section, and making other provision thereon.

V. *And be it further enacted,* That the Master or Commander of every vessel arriving and coming from any such infected place as aforesaid, or having on board any person or persons infected, or who during the voyage shall have been infected with any of the Fevers or Distempers aforesaid, or on board of which vessel any person shall have died of any such Fever or Distemper, or being infected therewith, shall have landed or quitted the vessel during the said voyage, shall permit such Physician and Physicians at all reasonable times, to come on board and make the inquiry and examination aforesaid, and make and give to him a true and full discovery and relation of all the matters

Masters to give Physicians full discovery of all circumstances,-- under penalty of 200*l.*

matters, things and circumstances aforesaid, and if any such Master or Commander shall refuse or neglect to make such full and true discovery and relation as aforesaid, or shall suppress, conceal or deny the truth in any particular, relating thereunto, he shall forfeit and pay for each and every offence, the sum of Two hundred Pounds.

VI. *And be it further enacted,* That no person or persons whatsoever, other than a Physician appointed as aforesaid, shall go on board any vessel so arriving and coming from any place so infected as aforesaid, or which shall have on board any person or persons infected as aforesaid, with any of the Fevers or Distempers aforesaid, after her having therein hoisted such Signal as aforesaid, before the granting of such licence as aforesaid, for the vessel to proceed into the inner harbour, nor before the expiration of Three days from and after the time of her first coming to anchor as aforesaid; between Pagan's point and Partridge Island, under the penalty and forfeiture of Twenty pounds, for each and every offence.

VII. *And be it further enacted,* That if any person or persons other than a Physician appointed as aforesaid, shall go on board any such vessel so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, after such Signal therein hoisted as aforesaid, and before the granting of such licence for the vessel to proceed as aforesaid, and the expiration of the said Three days anchoring as aforesaid, contrary to the true intent and meaning of the next preceding section, that

No person except the Physician, to go on board such vessel under penalty of 20*l*.

Persons going on board before licence granted, to be detained on board.

that then and in such case the Master or Commander of such vessel for the time being, be authorized and required to keep and detain such person or persons aforesaid on board the said vessel, until such licence as aforesaid for the vessel to proceed, be duly granted, and until the expiration of such time as shall be directed and appointed by the said Mayor, Recorder and Aldermen, or the major part of them, for the said vessel to ride quarantine, or to anchor, in case such licence shall be denied; and if any Master or Commander of such vessel shall permit any person or persons, other than the Physician aforesaid, so to come on board as aforesaid, contrary to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, he shall forfeit and pay the sum of Twenty Pounds, for each and every offence. And if any such person or persons, so having unlawfully gone on board any such vessel as aforesaid, contrary to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, shall go on shore or depart from the said vessel, before such licence as aforesaid shall be granted, or if a licence shall be denied before the expiration of the time appointed as aforesaid, for the said vessel's anchoring and quarantine aforesaid, then and in such case, every person and persons so offending as aforesaid, and going on shore or departing from the said vessel as aforesaid, and the Master or Commander of any such vessel so permitting the same person or persons to go on shore or to depart from the said

Master permitting such person to come on board to forfeit 20*l*.

Any person unlawfully returning, and Master permitting such return, and every person aiding to forfeit each the sum of 50*l*.

vessel, and every other person or persons aiding or assisting therein, shall for each and every offence severally forfeit and pay the sum of Fifty Pounds.

Recovery and application of penalties.

VIII. *And be it further enacted*, That all the penalties and forfeitures aforesaid in this Act mentioned, may be prosecuted, sued for and recovered by action of debt, bill, plaint or information, in the Supreme Court, by any person who shall prosecute and sue for the same, and shall be divided, one moiety to the person so suing and prosecuting, and the other moiety to the use of the Mayor, Aldermen and Commonalty of the City of Saint John.

See further, 59. Geo. 3, c. 7.

CAP. X.

An ACT for defraying the Ordinary Services of the Province, for the Years One thousand Seven hundred and Ninety-six, One thousand Seven hundred and Ninety-seven, One thousand Seven hundred and Ninety-eight, and One thousand Seven hundred and Ninety-nine.

*Passed the 8th February, 1799.
Expired.*

CAP. XI.

An ACT for raising a Revenue and for appropriating the same towards reimbursing the Members attending in General Assembly.

*Passed the 8th February 1799.
Expired.*

Anno Regni GEORGII III. Regis
 Quadragesimo Primo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign-Lord GEORGE the Third, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Twentieth day of January, One thousand Eight hundred and One; being the fifth Session of the third Assembly convened in the said Province.

CAP. I.

An ACT for raising a Revenue in this Province.

Passed the 21st February, 1801.

Expired.

CAP. II.

An ACT for the rendering Justices of the Peace more safe in the execution of their office; and for indemnitying Constables and others acting in obedience to their Warrants.

See Eng Stat #4
 Geo. 2 c. 44.

Passed the 21st February, 1801.

WHEREAS Justices of the Peace are discouraged in the execution of their office by vexatious actions brought against them for or by reason of small and involuntary errors in their proceedings; and whereas it is necessary that they should be (as far as is consistent with Justice and the safety and liberty of the subjects over whom their authority extends) rendered safe

Preamble

‘ in the execution of the said office and
 ‘ trust : *And whereas* it is also necessary that
 ‘ the subjects should be protected from all
 ‘ wilful and oppressive abuse of the several
 ‘ Laws and Statutes committed to the care
 ‘ and execution of the said Justices of the
 ‘ Peace ;’

No writ or pro-
 cess to be sued out
 against a Justice
 of the Peace for
 any thing done in
 the execution of
 his office, until
 notice given him.

I. *Be it enacted by the Lieutenant-Governor
 Council and Assembly,* That from and after
 the passing of this Act, no Writ shall be su-
 ed out against, nor any copy of any Process
 at the suit of a subject, shall be served on any
 Justice of the Peace for any thing by him
 done in the execution of his office, until no-
 tice in writing of such intended Writ or
 Process shall have been delivered to him or
 left at the usual place of his abode, by the
 attorney or agent for the party who intends
 to sue or cause the same to be sued out or
 served, at least One calendar Month before
 the suing out or serving the same ; in which
 notice shall be clearly and explicitly contain-
 ed, the cause of action which such party
 hath or claimeth to have against such Jus-
 tice of the Peace ; on the back of which no-
 tice shall be endorsed the name of such at-
 torney or agent, together with the place of
 his abode, who shall be intitled to have the
 fee of Ten Shillings for the preparing and
 serving such notice, and no more.

Justice within a
 Month may ten-
 der amends,

II. *And be it further enacted,* That it shall
 and may be lawful to and for such Justice
 of the Peace at any time within One calen-
 dar month after such notice given as afore-
 said, to tender amends to the party com-
 plaining, or to his or her agent or attorney,
 and

and in case the same is not accepted, to plead such tender in bar to any action to be brought against him, grounded on such Writ or Process, together with the plea of not guilty, and any other plea with the leave of the Court; and if upon issue joined thereon the Jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the Defendant, and in such case or in case the Plaintiff shall become nonsuit or shall discontinue his or her action, or in case Judgment shall be given for such Defendant or Defendants, upon demurrer, such Justice shall be intitled to the like costs as he would have been intitled unto in case he had pleaded the general issue only; and if upon issue so joined the Jury shall find that no amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants on such other plea or pleas, then they shall give a verdict for the Plaintiff and such damages as they shall think proper, which he or she shall recover, together with his or her costs of suit.

and plead such tender in bar, & any other plea with leave.

In what cases defendant is to be intitled to costs.

III. *And be it further enacted*, That no such Plaintiff shall recover any verdict against such Justice in any case where the action shall be grounded on any act of the Defendant as Justice of the Peace, unless it is proved upon the trial of such action, that such notice was given as aforesaid; but in default thereof such Justice shall recover a verdict and costs as aforesaid.

Plaintiff not to recover without proof of notice.

IV. *And be it further enacted, by the authority aforesaid*, That in case such Justice shall

Justice may pay
Money into
Court

shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him by leave of the Court where such action shall depend, at any time before issue joined, to pay into the Court such sum of money as he shall see fit ; whereupon such proceedings, orders and judgements shall be had, made and given in and by such Court, as in other actions where the Defendant is allowed to pay money into Court.

No evidence to
be given of other
cause than in the
notice.

V. *And be it further enacted*, That no evidence shall be permitted to be given by the Plaintiff on the trial of any such action as aforesaid, of any cause of action except such as is contained in the notice hereby directed to be given.

No action to be
brought against
any Constable,
&c.

VI. *And be it further enacted, by the authority aforesaid*, That from and after the passing of this Act, no action shall be brought against any Constable or other officer, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any warrant under the hand or seal of any Justice of the Peace, until demand hath been made or left at the usual place of his abode by the party or parties intending to bring such action, or by his, her or their attorney or agent in writing, signed by the party demanding the same of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of Six days after such demand ; and in case after such demand and compliance therewith by shewing the said warrant to and permitting a copy to be taken

until demand
made of the perusal
and a copy of
the Warrant, &c.

ken

ken thereof by the party demanding the same, any action shall be brought against such Constable, or other officer, or against such person or persons acting in his aid for any such cause as aforesaid, without making the Justice or Justices who signed or sealed the said warrant, Defendant or Defendants, that on producing or proving such warrant at the trial of such action, the Jury shall give their verdict for the Defendant or Defendants, notwithstanding any defect of jurisdiction in such Justice or Justices, and if such action be brought jointly against such Justice or Justices, and also against such Constable or other officer, or person or persons acting in his or their aid as aforesaid, then on proof of such warrant the Jury shall find for such Constable or other officer, and for such person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the Justice or Justices, that in such case the Plaintiff or Plaintiffs shall recover his, her or their costs against him or them to be taxed in such manner by the proper officer as to include such costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants, for whom such verdict shall be found as aforesaid.

nor without making a Justice a defendant.

Costs against Justices

VII. *Provided always*, That where the Plaintiff in any such action against any Justice of the Peace shall obtain a verdict, in case the Judge before whom the cause shall be tried, shall in open Court certify on the back of the Record that the injury for which such action was brought was wilfully and maliciously

Wilful injury certified &c. double costs.

maliciously committed, the Plaintiff shall be intitled to have and receive double costs of suit.

Limitation of actions.

VIII. *Provided always and be it enacted by the authority aforesaid,* That no action shall be brought against any Justice of the Peace for any thing done in the execution of his office, or against any Constable or other officer, or person acting as aforesaid, unless commenced within Six calendar Months after the act committed.

CAP. III.

An ACT to repeal all the Acts now in force relating to Trespasses, and for making new Regulations to prevent the same.

Passed the 21st of February, 1801.

WHEREAS the Acts now in force relating to Trespasses are found inconvenient, and it is necessary that new and further regulations be made to prevent the same---

Preamble.

I. *Be it therefore enacted by the Lieutenant Governor, Council and Assembly,* That an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for preventing Trespasses," and likewise an Act made and passed in the Thirty-seventh year of his Majesty's reign, intituled, "An Act to alter and amend an Act passed in the Twenty-sixth year of his Majesty's reign, intituled, "An Act for preventing Trespasses," be repealed, and the same are hereby repealed.

26, Geo. 3 Former Acts repealed, 37, Geo. 3-

II. *And be it further enacted,* That the Fences dividing improved Lands belonging to any person or persons, from improved Lands

Lands belonging to any other person or persons, shall be erected, made and maintained at the joint and equal expence of the occupiers of the said Lands lying on each side of such Fence or line whereon the Fence is to be erected, no notice from the occupier of any such Lands to the occupier of such adjoining Lands, which Fence shall be a good, strong and sufficient Fence, and not less than Four feet Six inches high. And in case any dispute shall arise between the occupiers of such Lands on which the said Fence should be erected, or the particular part or portion of the Fence to be erected by them, it shall and may be lawful to apply to the nearest Fence-Viewer, who is hereby empowered (notice being given to the parties to attend) to view such place where the same is proposed to be erected, and to determine the part or portion that it may be equitable each of the occupiers of such improved Lands should erect : And if either of the parties, after Ten days notice of the determination of the said Fence-Viewer, shall not make and erect his proportion of the said Fence in the manner herein before directed, it shall and may be lawful for the Fence-Viewer to make, or cause such part as is deficient to be made, or to authorize the other party to make the same, the labor in making such Fence to be estimated at Ten Shillings per day for each day's labor, and recovered with costs of suit before any Court competent to try the same, together with all damages that may ensue in consequence of the neglect of the person refusing

Division Fences to be erected at the joint expence of occupiers.

to be four feet six inches high.

Disputes to be determined by Fence-Viewers.

who on neglect of party, is to make the Fence:

At the rate of 10s per day, to be recovered with costs

Repairs of Fences provided for in same manner, and at same rate :

to be recovered with damages.

Fees for viewing.

Penalty for neglect of duty.

Justices in General Sessions to make other regulations for preventing Trespasses.

and respecting Islands, &c.

ing to erect his part of such Fence. And where Fences already made want immediate repair, the said Fence-Viewer shall on application, forthwith summon the parties concerned and view the same, and also direct such repair to be immediately made ; and in case of the refusal or neglect of the party complained of, it shall be lawful for the Fence-Viewer to repair such Fence, or direct the person complaining to make such repair, the value thereof to be ascertained at the rate above mentioned, and recovered in the manner before directed, together with all damages that may have arisen in consequence of the delinquent refusing immediately to repair such Fence. *Provided always,* That no Fence-Viewer shall be allowed more than Seven Shillings and Six Pence per day for Fence viewing ; and if any Fence-Viewer shall, when notified, neglect his duty, he shall for every such offence, forfeit the sum of Twenty Shillings, to be recovered with costs by the person injured ; one half thereof to the complainant, and the other half to the Overseers of the Poor of the Parish where the offence is committed.

III. *And be it further enacted,* That the Justices in their General Sessions of the Peace shall be and are hereby empowered to make such other regulations for preventing Trespasses by Horses, Swine, Sheep, Goats and Neat Cattle, as shall be most expedient and agreeable to the nature and circumstances of the several Counties, Towns and Parishes. And the said Justices are further empowered to make such regulations relating to the Islands

Islands and Low Lands in their respective Counties as they may think necessary, and to determine and order what waters or water-Fences shall be necessary and sufficient for the protection of the same. And if any Horses, Swine, Sheep, Goats or Neat Cattle, shall be found going at large contrary to any regulations so made, the owner or owners thereof shall forfeit and pay to the use of the Poor of the Parish where such Horses, Swine, Sheep, Goats or Neat Cattle, shall be so found going at large, a Fine not exceeding Five Shillings for each and every of them so found going at large as aforesaid, to be recovered on complaint to a Justice of the Peace, who is hereby empowered to hear and determine the same, provided the said complaint be prosecuted within one Month.

Cattle, &c. found at large contrary to regulations, owner to forfeit 5s for each.

Recovered on complaint to a Justice of the Peace.

IV. *Provided always, and be it further enacted,* That the owner or occupier of any wood, barren or burned Land, and not under any improvement, but adjoining to improved or cultivated Lands, shall not be obliged to erect or make, or maintain any part of the Fence dividing such wood, barren, burned or unimproved Land from Lands so improved or cultivated; any Law, usage or custom to the contrary notwithstanding.

Occupier of unimproved Land not bound to Fence.

The 5th & 6th Sections repealed by 2, Geo. 4, c. 14, s. 1.

VII. *And be it further enacted,* That every Town or Parish shall be provided with a sufficient Pound or Pounds as shall be thought necessary for such Town or Parish to be fixed in the most convenient situation as the Justices in their General Sessions shall think fit, and at the expence of the In-

Every Parish to be provided with a sufficient pound

habitants of such Town or Parish, to be assessed and collected as other Town or Parish charges are.

See further 54, Geo. 3, c. 8, 2, Geo. 4, c. 14, & 3, Geo. 4, c. 13

CAP. IV.

An ACT for the better securing the Navigation of Passamaquoddy Bay within Deer Island.

Passed the 21st February, 1801.

This Act has expired, but see 3, Geo. 4, c. 14.

CAP. V.

An ACT for the support and relief of confined Debtors.

Passed the 21st of February, 1801.

Preamble.

WHEREAS an Act made and passed in the Thirty-ninth year of His Majesty's reign, intituled "An Act in amendment of an Act made and passed in the Thirty-first year of His Majesty's reign, intituled, 'An Act for the support and relief of confined Debtors ;'" and also the Act therein referred to, are near expiring : AND WHEREAS the support and relief intended by the said Act has been found expedient and necessary---

Prisoners for debts not exceeding 200l. not able to support themselves, to apply to Judge of Sup. Court or Inferior Court of Com Pleas, for relief extended to Debtors to any amount by 3, Geo 4, c. 15.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That whenever any person committed to any Gaol in this Province for debt not exceeding Two hundred Pounds, at the suit of any Creditor, shall be incapable to provide or secure their necessary support, it shall and may be lawful for such Debtor, after Fourteen days confinement, to make application to any Judge of the Supreme Court or Justice of the Court

Court of Common Pleas of the County where such Debtor shall be confined, for a weekly support or maintenance: And such Judge or Justice, after Fourteen days previous notice to such Creditor or his Attorney, shall examine on Oath such confined Debtor or any witness produced, as to the ability of such confined Debtor to support him or herself, and if on examination, to be taken in writing on Oath as aforesaid, which shall be filed in the office of the Clerk of the Court out of which the Process issued, it shall appear to such Judge or Justice, that such Debtor is utterly unable to support him or herself, it shall and may be lawful for such Judge or Justice to make an order for such Creditor to pay such Debtor a weekly sum to be applied for the support of such Debtor, which sum shall be paid weekly, and from the First day of November until the last day of March, shall be Three Shillings and Six Pence per week, and the remainder of the year Two Shillings and Six Pence per week; and after such order it shall be the duty of such Creditor to pay such weekly support, and in case of failure thereof, it shall and may be lawful for any such Judge or Justice as aforesaid, on such failure being made known to him, to make an order under his hand and seal to the Sheriff or Gaoler to discharge the said Debtor out of confinement. *Provided* that nothing in this Act shall prevent such Creditor from prosecuting his suit (if on *mesne* Process) to final Judgment, or from taking out his *Fieri Facias* against the goods and chattles,

Judge, after notice to creditor, to examine debtor, or witnesses, on oath, and if debtor be found unable &c. to order creditor to pay weekly sum for his support.

made 5s. & 4s. by 59 Geo. 3. c. 12, s. 1.

In default of payment, debtor to be discharged.

Proviso; creditor not barred from proceeding against debtor's estate and effects

chattels, lands and tenements of such Debtor in the same manner as if no application or order had been made in manner aforesaid.

Persons making
false oath, guilty
of perjury.

II. *And be it further enacted*, That every person who shall be convicted of making or taking a false Oath to any of the facts herein before directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Limitation of the
Act.

III. *And be it further enacted*, That this Act shall continue and be in force Five Years and no longer.

Continued by 45, Geo. 3. c. 19, and made perpetual by 50, Geo. 3. c. 30.

See amendments and further provisions and additions made by 50, Geo. 3. c. 30,--59, Geo. 3. c. 12,--3, Geo. 4. c. 15, & 4, Geo. 4. c. 10.

CAP. VI.

Refer to 26, Geo. 3. c. 1. § 10. An ACT for erecting a Court House and Gaol in the County of Westmorland, and for altering the Shire-Town of the said County.

Passed the 21st February 1801

Preamble.

WHEREAS the Court-House and Gaol in the County of Westmorland have been lately consumed by Fire, and the place where the same stood is not in a central situation for the accommodation of the Inhabitants--

Dorchester made
the Shire-Town,

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly*, That after the passing of this Act, the Town of Dorchester shall be the Shire-Town of the said County, where all the Courts of Record shall be held instead of the Town of Westmorland in the same County.

II.

II. *And be it further enacted*, That the Justices of the Peace in and for the said County, at the next or any future General Sessions, be and they are hereby authorized and empowered, or the major part of them, to contract and agree with able and sufficient workmen for building and finishing a public Court-House and Gaol near the Brook by John Kieller's dwelling-house, or to appoint Contractors for that purpose for such sum or sums of money as to them shall seem meet, and to apportion and assess such sum or sums as may be necessary upon the respective Towns or Parishes in the said County, and by warrant under the hand and seal of such Justices or the major part of them, to be directed to the Assessors of the several and respective Towns or Parishes, order such Assessors to apportion and assess on their respective Towns or Parishes their respective quota or proportion to be paid by the several and respective Inhabitants of such Town or Parish, and such as by Law are liable to be taxed as they in their discretion shall think just and reasonable, and the said Justices as aforesaid shall appoint such Collectors in the respective Towns or Parishes, as they shall think fit, who shall be sworn to a faithful discharge of their duty, and in case of refusal after notice of such appointment, every Collector so refusing, shall be subject to the penalty of Five Pounds, and in case of death or refusal another Collector may be appointed in his stead, at any General or Special Sessions, who shall be subject to the same penalty in case of refusal to accept such appointment.

Justices in General Sessions, to contract for building a Gaol and Court-House.

and assess the necessary sums upon the respective Towns or Parishes.

and appoint Collectors.

Collectors refusing to serve liable to a fine of 5*l*.

III.

Assessors refusing
or neglecting du-
ty to forfeit 5*l*.

III. *And be it further enacted,* That in case any Assessor or Assessors shall neglect or refuse to make such assessment as aforesaid; such Assessor or Assessors so neglecting or refusing, shall forfeit and pay to the Treasurer of the same County the sum of Five Pounds, to be recovered by bill, plaint or information with cost of suit in any Court proper to try the same.

Collector, after
10 days notice,
& neglect to pay
to proceed, and
by warrant of two
Justices, to make
distress & sale of
goods to amount
of sum assessed.

IV. *And be it further enacted,* That it shall be the duty of every such Collector appointed as aforesaid, within Ten days after receiving his warrant of Assessment, to give notice to the several persons contained in his list respectively, of the several sums on them assessed, and in case any person so notified shall refuse or neglect for other Ten days, it shall be the duty of such Collector forthwith to collect the sums so assessed, and by warrant under the hand and seal of any two Justices of the Peace for the said County, to make distress on the goods and Chattles of such person or persons refusing, and within Ten days thereafter shall make sale of such distress to the amount of such assessment with costs, rendering the overplus, if any there be, to the owner or owners thereof.

Monies collected
to be paid to
County Treasurer,
deducting 5
per cent.

V. *And be it further enacted,* That every such Collector shall forthwith pay over the monies by him collected to the Treasurer of the County, deducting five per cent. for collection; and in case any Collector shall neglect or refuse to make such collection, or when collected shall neglect or refuse to pay the same to the County Treasurer, every such delinquent Collector shall incur the

the penalty of Five Pounds per month, to be paid to the County Treasurer, who may sue for the same penalty before any two Justices, who shall on conviction issue their warrant against the goods and chattles of such delinquent.

Delinquent Collector to forfeit 5^l per Month.

VI. *And be it further enacted*, That until a good and sufficient Gaol shall be erected in the said County, it shall be lawful to send any Felon to the Gaol in the City of St. John, provided that no cost or charge be incurred by the City or County of Saint John upon such commitment.

Until the Gaol is erected Felons may be sent to the Gaol of Saint John.

VII. *And be it further enacted*, That all penalties to be incurred by this Act shall be applied for the purpose of the building of the said Court-House and Gaol.

Penalties how applied.

CAP. VII.

An ACT to continue an Act made and passed in the Thirty-sixth Year of his Majesty's Reign, intituled, "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same."

Refer to 36 Geo. 3. c. 7. and 37; Geo. 3. c. 6.

*Passed the 21st of February, 1801.
Since expired:*

CAP. VIII.

An Act for the further and better support of the Poor in the City of Saint John.

Passed the 21st February, 1801.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That the Mayor, Aldermen and Commonalty in the City of Saint John be, and they are hereby authorized, yearly and every year during the continuance of this Act, to lay a Tax upon

Mayor, Aldermen, and Commonalty of the City of St. John, authorized annually to lay a Tax on Dogs.

Dogs ; to be levied upon the owners of the same, living within the limits of the said City, and collected in such manner as the Corporation of the said City by Law or Ordinance shall appoint : Which said Tax shall be appropriated and applied for the support of the Poor, and to no other purpose whatsoever. *Provided* that such Tax shall not amount to more than Five Shillings for any one Dog.

not to exceed 5s.

Limitation.

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

See further, 45, Geo. 3, c. 19 & 50 Geo. 3, c. 19 making same perpetual.

CAP. IX.

An ACT for preserving the Bank of the river of Saint John, in front of the Parish of Lincoln, in the County of Sunbury.

Passed the 21st February, 1801.

Preamble.

WHEREAS the pasturing of Neat Cattle, Horses, Sheep, Goats or Swine, in the Spring and during the Summer season, on the slope of the Bank of the River Saint John, along the Intervale Lands in the Parish of Lincoln, both prevents the growth and occasions the destruction of bushes, which contribute greatly to bind the soil and preserve it from being washed away during the Freshes.

Intervale Land pastured, to be fenced on River front.

I. *Be it enacted by the Lieutenant-Governor Council and Assembly*, That from and after the passing of this Act, every person who pastures Intervale Land in the said Parish or any part thereof fronting on the said River, shall keep up a Fence along the front of the Land so pastured of the legal height, or at least

least sufficient to confine his Neat Cattle, Horses, Sheep, Goats or Swine within the same; and that if he do neglect to keep up such Fence as aforesaid, his Neat Cattle, Horses, Sheep, Goats or Swine, shall be liable when found trespassing on the slope of the said Bank, to be impounded and dealt by according to the provisions of an Act made and passed this present Session, intituled, "An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same:" *And whereas* Horses and Cattle frequently go from Fredericton and other places, down on a long and narrow tongue of low Intervale Land extending to and terminating at the mouth of the River Oro-mocto, and from thence spread along the Bank of the aforesaid River Saint John, throughout the extent of the said Parish---

Owner neglecting, his cattle, &c trespassing on slope of the bank, to be impounded &c.

Preamble.

II. *Be it further enacted*, That the Commissioners of Highways in the said Parish shall, from and after the passing of this Act, be empowered, and they are hereby directed to erect one strong Swing Gate across the public Road on the Upland adjoining to the said tongue of Intervale, either on the Lot now belonging to Thomas Knox, Esq, or on that now belonging to and occupied by Lemuel Wilmot, Esq. as to them in their discretion shall seem most convenient, and to keep the same in repair; the expence of which erection and repairs they are hereby authorized to defray by ordering an assessment to be made for the said purposes, on

Gate to be erected across the road on Knox's or Wilmot's lots;

And repaired at expence of owners of the lands.

the owners or occupiers of the said Lands as above described, by the Parish Assessors.

III. *And be it further enacted*, That no person or persons between the First day of May and the First day of September, shall block up and fasten or prop open the said Gate and so leave the same, under the penalty of Ten Shillings ; or wantonly or maliciously take down or destroy the said Gate, under the penalty of Three Pounds, to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said County, upon the Oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender's goods under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of the distress and sale to the offender ; which penalty and forfeiture shall be applied to the erection, maintaining and keeping of the said Gate in repair, and shall be paid into the hands of the Commissioners of Highways for the said Parish for the said purpose : And such offender or offenders shall be further liable to an action of Trespass for any damages sustained thereby.

Not to be blocked up, nor prop open on penalty of 10s.

nor destroyed on penalty of 3*l*.

Penalties how recovered,

and applied.

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

Limitation of the Act.

See further 45, Geo. 3, c. 19,—50, Geo. 3, c. 29, & 56, Geo. 3, c. 12, making same perpetual.

CAP. X.

An ACT to continue an Act, intituled "An Act for preserving
 "the Bank of the River Saint John, in front of the Parishes of
 "Maugerville, Sheffield and Waterborough." Refer to 34, Geo.
3. c. 9.

Passed the 21st February, 1801.

BE it enacted by the Lieutenant-Governor, Former act con-
tinued for four
years.
 Council and Assembly, That an Act, in-
 titled, "An Act for preserving the Bank
 "of the River Saint John, in front of the
 "Parishes of Maugerville, Sheffield and
 "Waterborough," made and passed in the
 Thirty-fourth year of His present Majesty's
 reign, be continued; and the same is
 hereby continued and declared and enacted
 to be in full force for the term of Four Years
 and no longer.

*See further 45, Geo. c. 19.—50, Geo. 3. c. 29, & 56, Geo. 3,
 c. 12, making same perpetual.*

CAP. XI.

An ACT to empower the Justices of the Peace for the County of
 York, to make such regulations respecting the Winter Roads in
 that County as may be found necessary.

Passed the 21st February 1801.

Expired.

CAP. XII.

An ACT for appropriating certain Monies for defraying the Ex-
 pences of the Province.

Passed the 21st February 1801.

Expired.

CAP. XIII.

An ACT for granting certain Sums for repairing and laying out
 Roads.

Passed the 21st February, 1801,

Expired.

Anno Regni GEORGII III. Regis
 Quadragesimo Secundo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Twenty-sixth day of January, One thousand Eight hundred and Two; being the sixth Session of the third Assembly convened in the said Province.

CAP. I.

An ACT for regulating the Militia.

Passed the 5th March 1802.

Repealed.

CAP. II.

Refer. to 81 Geo.
 3, c. 9, & 35 Geo.
 3, c. 2.

An ACT for altering the Times for holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of King's.

Passed the 5th March 1802.

WHEREAS the Times appointed for holding the Courts of General Sessions of the Peace and Inferior Court of Common Pleas in the County of King's, has been found inconvenient; for remedy thereof---

*Be it enacted by the Lieutenant-Governor, Council and Assembly, That the said Courts shall hereafter be holden on the first Tuesday in March, instead of the second Tuesday in February, in each and every year,**

* This Term was altered to first Tuesday in January, by 60, Geo. 3, c. 5, and altered back again to first Tuesday in March, by 3, Geo. 4, c. 12.

CAP. III.

An ACT for altering the Times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmorland.

Refer to 31 Geo. 3. c. 9. & 35 Geo. 3. c. 2.

Passed the 5th March 1802.

WHEREAS the Times for holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland, have been inconvenient---

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the said Courts shall be hereafter holden on the *second Tuesdays in June, and December** in each year, at which Terms the Juries shall be summoned to attend, and the additional Terms or return Courts of the said Court of Common Pleas, shall be holden on the *SECOND Tuesdays in March† and September* in each year, any Law or usage to the contrary notwithstanding.

Courts to be holden in June and December.

Return Terms in March and September.

II. *And be it further enacted,* That no Process shall abate or be discontinued by reason of the alteration of the said Terms, but shall and may be proceeded upon, heard and determined at the times herein appointed in the same manner as they might have been proceeded upon had no alteration been made.

No process to abate by reason of the alteration.

III. *And be it further enacted,* That the several and respective Town and Parish officers shall annually be appointed on the *SECOND Tuesday in December,* any Law or usage to the contrary notwithstanding.

Parish officers to be appointed in December.

See further 58, Geo. 3. c. 1, & 3, Geo. 4, c. 28, & 4. Geo. 4, c. 28.

* Terms of General Sessions of the Peace and Sessions Court of Common Pleas, altered to 3rd. Tuesday in June, and 3rd Tuesday in November, by 58, Geo. 3, c. 1, & 4. Geo. 4, c. 28.

† See also 3, Geo. 4, c. 6, altering additional Term, from March to first Tuesday in April.

CAP. IV.

An ACT to render Persons convicted of Petty Larceny compe
Witnesses.

Passed the 5th March, 1802.

WHEREAS Persons convicted of Grand Larceny are by their Punishment restored to their credit as witnesses, but Persons convicted of Petty Larceny are rendered and remain wholly incompetent to be examined as witnesses---

Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, no person shall be an incompetent witness by reason of a conviction for Petty Larceny.

CAP. V.

An ACT for the easy and speedy Recovery of small Debts, and for regulating the proceedings thereon.

Passed the 5th of March, 1802.

Expired.

See 50, Geo. 3, s. 17.

CAP. VI.

An ACT for aiding and encouraging Parish Schools.

Passed the 5th of March, 1802.

Obsolete.

CAP. VII.

An ACT in addition to an Act, to regulate the Terms of the Sit-
tings of the Inferior Courts of Common Pleas in this Province,
and to enlarge the Jurisdiction of the same; and for the summary
Trial of Actions.

Passed the 5th of March, 1802

Refer to 35, Geo.
3. c. 2.

No bail in Inf.
Court of Com.
Pleas unless ac-
tion exceed 5*l*.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That no Defendant shall be held to Bail in any action hereinafter to be brought in any Inferior Court of Common Pleas, or Mayor's Court in the City of Saint John, unless the Plaintiff's

tiff's

tiff's cause of action shall amount to upwards of Five Pounds, and affidavit thereof made and filed as heretofore accustomed.

II. *And be it further enacted*, That in all actions hereinafter to be brought in the said Courts wherein the sum or matter in demand shall not exceed Twenty Pounds, the declaration shall be inserted in the Writ, and the said Courts shall proceed thereon in a summary way, in the same manner, as is directed in and by the said Act in matters not exceeding Ten Pounds, in which actions no dilatory plea shall be allowed, and no judgments shall be reversed or set aside for any circumstantial error or defect of form or pleading, or rendering Judgment where substantial Justice shall appear to have been done.

In actions not exceeding 20/ Declaration to be inserted in the Writ—
And Courts to proceed in a summary way.
No dilatory Plea allowed—& no Judgment reversed for circumstantial error.

III. *And be it further enacted*, That no Defendant or Defendants in any action hereafter to be brought, shall remove such action into the Supreme Court by Habæs Corpus, unless the matter in demand shall exceed Twenty Pounds. *Provided always*, that either party after Judgment given, may bring a Writ of Error to remove such Judgment into the Supreme Court.

No action to be removed, unless the sum exceed 20/

IV. *And be it further enacted*, That all actions hereafter to be brought, wherein the sum or matter in demand shall not exceed Twenty Pounds, shall be heard and determined in the Inferior Court of Common Pleas in the respective Counties, and Mayor's Court in the City of Saint John, and no other Court shall hold Plea or Jurisdiction of the same, unless the Title to Lands shall come in question.

After Judgment either party may bring a Writ of Error.

Actions not exceeding 20/ to be brought in Inf. Court of Common Pleas. No other Court to hold plea of same, unless title to Lands is questioned.

Former act in
full force except
as hereby altered.

V. *And be it further enacted,* That the said Act, except where the same is hereby altered, shall be and continue in full force, any thing herein contained to the contrary notwithstanding.

See further 60, Geo. 3, c. 11. giving power to Inferior Courts of Common Pleas to appoint Commissioners to take Bail.

CAP. VIII.

An ACT for raising a Revenue in this province, and for appropriating the same, together with the Monies now in the Treasury.

Passed the 5th of March, 1802.

Expired.

Anno Regni GEORGII III. Regis
 Quadragesimo Tertio.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Eight hundred and Three and in the Forty-Third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of Great-Britain, and Ireland, King Defender of the Faith, and so forth; being the first Session of the fourth Assembly convened in the said Province.

CAP. I.

An ACT for transferring to and vesting in the Crown, such Lands and Tenements of any Person or Body Politic, on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of War and Defence, and for ascertaining the value thereof and making compensation for the same to the former Owners.

Passed the 16th March 1803.

WHEREAS it is highly reasonable, just and requisite, that His Majesty should be authorized and empowered to resume the Grants of any Lands or Tenements of the Crown heretofore made or hereafter to be made and passed, upon which it may be suitable and necessary to erect Fortifications and other Military works, or which may be wanted for other uses and purposes of War and Defence; for a valuable consideration to be therefor paid to the owners and occupants according to a just and equal valuation of the same.

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That at any

Upon representation of the General or Commanding Engineer, that any lands are wanted for military uses,

time or times hereafter, whenever the General or Commander in Chief of His Majesty's forces, or Commanding Royal Engineer in this Province, shall judge it expedient for His Majesty's service, and the better security and defence of this frontier Territory, to erect Fortifications or other Military works, upon Lands or Tenements granted and belonging to any person or persons or body politic, or to hold occupy and possess the same for any Military uses and purposes whatsoever, and shall make a representation or suggestion thereof to this effect to the Governor, Lieutenant-Governor or Commander-in-Chief of the Province, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander-in-Chief of the Province for the time being, if to his wisdom and discretion it shall appear fit for His Majesty's service and the security of the Province, to order the Clerk of the Crown in Chancery, to issue a Writ or Writs, in his Majesty's name, directed to the Sheriff of the County in which the Lands or Tenements so required are situated, and thereby commanding him, after advertising his intention Two Months in the *Royal Gazette*, by the Oath of honest and lawful men, being Freeholders of his bailiwick, by whom the truth of the matter may be better known, diligently to inquire who is or are the true and rightful owner or owners, occupant or occupants of such Lands and Tenements so required as aforesaid, (if to the said Jurors he or they may be known) and of every part and parcel thereof, and how much the same

Lands

The Governor may order writs to be issued,

directed to Sheriff, and commanding him to inquire by a jury who are owners or occupants, &c.

Lands and Tenements and every part and parcel thereof are worth, according to a just and true valuation thereof, and of the Estate and interest of the owner or owners therein : and to what damage or what prejudice of the rightful owner or owners, occupant or occupants respectively it will be, if the said Lands and Tenements be resumed by and vested in the King his heirs and successors : And that the inquisition thereupon distinctly and openly made to the King in his Chancery, under the seal of the said Sheriff, and the seals of those by whom it was made, he send without delay, together with the said Writ.

and how much the Lands are worth,

and to what damage of Owners it will be, if the same be resumed by the King.

Inquisition to be returned into Chancery.

II. *And be it further enacted,* That upon all and every such inquisition and inquisitions being duly made and returned as aforesaid it shall and may be lawful for the General or Commander-in-Chief of His Majesty's forces in this Province for the time being, within Twelve calendar Months next after such return, to deposit with the said Clerk of the Crown the amount of such valuation and damages by such inquisition or inquisitions found, to be paid and applied by him under the orders and directions of the Court of Chancery aforesaid, to such person or persons or body politic as shall, by the same inquisition or inquisitions, or other competent evidence appear to the said Court to be the rightful owner or owners, occupant or occupants of such Lands and premises, or any part and parcel thereof, according to their several and respective Estates and interests

The General or Commander-in-Chief may deposit with the Clerk of the Crown the amount of valuation and damages to be paid under the directions of the Court of Chancery to the Owners, &c.

therein in full payment, compensation and satisfaction of and for the same.

III. *And be it further enacted*, That such inquisition and inquisitions so being made and returned as aforesaid, and the amount of the valuation and damages thereby found, being deposited with the Clerk of the Crown as aforesaid, within the time herein limited, for the use of the Proprietor, his heirs or assigns, all the said Lands and premises, in such writ or writs, and inquisition or inquisitions respectively mentioned and described, and every part and parcel thereof, shall thereupon and by virtue of such proceedings as aforesaid, revert to and vest in the KING, his heirs and successors; and all the right, title, interest and Estate of any person or persons, or body politic whatsoever, of, in, and to the same, shall be hereby conveyed and transferred to His Majesty, his heirs and successors; who shall thenceforth stand and be seized and possessed, and be deemed and adjudged in full and lawful seisin and possession, in right of his Crown, of and in the same Lands and premises, with their appurtenances, to all intents, constructions and purposes in the Law, as fully and perfectly as if all persons, being of full age and capacity, and bodies politic having Estate or interest therein, had by Grant or other Deed, or by fine or recovery or other conveyance of Record, given, granted, bargained, sold, aliened, released and confirmed the same to His said Majesty, his heirs and successors.

Inquisition being made and the amount of the valuation and damages being deposited with the Clerk of the Crown,

The lands to revert to and vest in the King.

See further 53, Geo. 3. c. 8

CAP. II.

An ACT to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, to hold the same for the present Year, at the times therein mentioned.

*Passed the 16th of March, 1803.
Obsolete.*

CAP. III.

An ACT for altering the Divisions of Four of the Wards in the City of Saint John, and for Changing the mode of Elections, within the Two other wards in the said City.

Refer to the Charter of St. John.

Passed the 16th March, 1803.

WHEREAS since the granting of the Charter of the City of St. John, by reason of the removal of many persons from some of the Wards, the disproportion of Inhabitants in the several Wards is at this time very great, and one of the Wards almost entirely depopulated: *And whereas* many of the Freemen and Inhabitants of the said City have by Petition, prayed that a remedy may be provided for the evil consequences arising from such changes.

Preambles.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That instead of the present division of the four Wards of the said City on the Eastern side of the harbour, the same Wards be hereafter divided by lines drawn from the harbour to the rear of the said City as follows, to wit, through the centre of King-street, Duke-street and Saint James and Stormont-street, and that all that part of the said City laying to the Northward of King-street, be forever hereafter called and known by the name of King's Ward; that all that part of the said City between King-street and Duke-street, be

Wards divided by lines drawn from the Harbor to the rear of the City.

King's Ward.

Queen's Ward.

Duke's Ward.

Sidney Ward.

Elections to be held within the Wards as directed by the Charter.

Electors of Guy's Ward & Brook's Ward collectively to choose Aldermen, &c out of the Inhabitants of either Ward.

Alderman to hold his Court for the Election within the Ward to which he belongs.

Charter, except as herein altered to remain in force.

be forever hereafter called and known by the name of Queen's Ward; that all that part of the said City lying between Duke-street and Saint James and Stormont-street, be forever hereafter called and known by the name of Duke's Ward; and that the residue thereof lying to the Southward of Saint James and Stormont-street; be forever hereafter called and known by the name of Sidney Ward. And that the Elections for the Aldermen, Assistants and Constables of the same Wards be held annually within the same Wards, as in and by this Act divided and bounded, in the same manner and at the same times, and under and subject to the same regulations and restrictions as are provided by the said Charter.

II. *And be it further enacted*, That hereafter it shall and may be lawful for the Electors of Guy's Ward and Brook's Ward collectively, to choose annually at the time appointed by the said Charter, one Alderman, one Assistant and one Constable for each Ward, out of the Freemen, being Inhabitants of either of the said Wards, without regard to the particular Ward, as heretofore accustomed: And that for the purpose of such Election, each Alderman of the said two Wards shall hold his Court within the Ward to which he belongs, as provided by the said Charter; and at such Elections respectively every Elector within both of the said Wards, shall be intituled to a vote.

III. *Provided always and be it further enacted*, That the said Charter of the said City, and every clause, matter and thing therein contained,

tained, except as herein and hereby particularized, altered and amended, shall be and forever remain in full force and effect, any thing herein contained to the contrary thereof in any wise notwithstanding.

CAP. IV.

An ACT in addition to an Act, intituled, " An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes." Refer to 26 Geo 3, c. 1.

Passed the 16th of March, 1803.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That a direct line from the northwest corner of the County of Westmorland, until it meets the southwest branch of Miramichi river, where the Portage leading from the river Nashwaack now joins the same, thence by a line running north twenty-two degrees thirty minutes west by the true meridian from the junction of the said Portage, with the said southwest branch of the Miramichi as aforesaid, to the southern boundary of the Province of Lower Canada, shall be deemed the boundary line of the County of Northumberland, and the dividing line between that and the adjoining Counties.

Boundary line between the County of Northumberland, and the adjoining Counties established.

II. *And be it further enacted,* That the Island of Campo-Bello, with its appurtenances in the County of Charlotte, be constituted a distinct Town and Parish by the name of the Town and Parish of Campo-Bello; any Law or Ordinance to the contrary notwithstanding.

Campo-Bello Island made a distinct Parish.

CAP. V.

Refer to 26 Geo. 3. c. 1. An ACT for erecting the upper part of the County of York, into a distinct Town and Parish.

Passed the 16th of March, 1803.

I **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That all that tract of country in the County of York, laying and being above the Towns of Woodstock and Northampton, and extending to the White March, three miles above the Garrison at Presque Isle inclusive, and from the said upper boundary extending a line parallel to the upper boundary of the said Parishes of Woodstock and Northampton, be and the same is hereby erected and made a distinct Town and Parish by the name of the Town and Parish of Wakefield.

Upper part of the County of York erected into a Parish.

Justices at their General Sessions to appoint Parish Officers.

II. And be it further enacted, That the Justices of the General Sessions of the Peace for the County of York, at their General Sessions next ensuing, and annually thereafter, shall appoint Town and Parish officers in and for the said Town and Parish, who shall be under like rules and regulations as other Town and Parish officers in the same County.

See further 2d Geo. 4. c. 22, erecting Parish of Kent.

CAP. VI.

An ACT for regulating the Exportation of Butter.

Passed the 16th of March, 1803.

I **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That all Butter made for exportation, shall be packed in Firkins to contain Sixty pounds weight as near as possible, which Firkins shall be made

Butter for Exportation to be packed in Firkins containing 60lb. and made tight.

made of good *hard wood seasoned*,* and shall be made tight with three hoops at each end and bilge, and sufficient to hold pickle, and before any Butter shall be shipped for Exportation, every Firkin shall be inspected by some sworn Inspector, who shall brand each Firkin with the tare thereof, and the quality of the Butter contained therein free of pickle and loose salt, whether first, second or third quality, with the name of the County where the same shall be made, and such Inspector shall be intitled to receive Three Pence for every Firkin so by him inspected.

To be inspected and branded.

Allowance to the Inspector.

II. *And be it further enacted*, That the Justices at their first General Sessions of the Peace, and annually thereafter, shall and may appoint one or more Inspectors of Butter in each town where the same shall by them be judged necessary, who shall be sworn to the faithful discharge of their duty and shall inspect all such butter, as shall be intended for Exportation, and in case of refusal to accept of such office or neglect of duty when reasonably called upon, such Inspector shall be subject to the same penalties as other Town or Parish officers by Law are subject to for neglect of duty, to be recovered and paid to the County Treasurer of such County. And every such Inspector shall provide himself with sufficient marks or brands and instruments, for the purposes aforesaid, and shall be intitled to receive pay for the same out of the County Treasury.

Justices at their first General Sessions, annually to appoint Inspectors, who shall be sworn.

Penalty for refusal or neglect of duty.

Inspectors to provide marking instruments.

* See alteration made by 45 Geo. 3. c. 20.

No. Butter deemed merchantable, unless inspected.

Person exporting Butter without being marked, to forfeit 10s. for each Firkin.

III. *And be it further enacted*, That no Butter being in Firkins, shall be deemed merchantable, or shall be sent out of any County, unless such Butter shall have been inspected by a proper Inspector, and if any person or persons shall export for sale any Butter in Firkins without inspection, or being branded or marked as aforesaid, such person so offending shall for each Firkin incur the penalty of Ten Shillings, to be recovered and paid as aforesaid.

See further 45, Geo. 3. c. 20.

CAP. VII.

Refer to 37 Geo. 3. c. 4.

An ACT to explain and amend an Act, intituled, "An Act for regulating the Exportation of Fish and Lumber, and repealing the Laws now in force regulating the same."

Passed the 16th March, 1803.

Repealed by 59, Geo. 3. c. 11, Sec. 1.

CAP. VIII.

An ACT to continue sundry Acts of the General Assembly that are near expiring.

Passed the 16th March, 1803.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for Relief against Absconding Debtors;" also an Act made and passed in the Twenty-eighth year of His Majesty's reign, intituled, "An Act in addition to an Act, intituled, "An Act for Relief against Absconding Debtors;" also an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act to regulate the Sale of Goods sold at Public Auction or
Out

Former Acts of General Assembly.

26 Geo. 3. c. 13.

28 Geo. 3. c. 2.

26 Geo. 3. c. 44.

“ 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 ^{26 Geo. 3. c. 31.} the Sale of Damaged Goods imported into “ this Province ;” also an Act made and passed in the Twenty-seventh year of His Majesty’s reign, intituled, “ An Act to autho- ^{27 Geo. 3. c. 2.} rize 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 ^{28 Geo. 3. c. 2.} passed in the Twenty-eight year of His Majesty’s reign, intituled, “ An Act to empow- “ er the Justices of the Sessions in several “ Counties in this Province to make such “ Rules and Regulations respecting Mar- “ kets and Ferries within such Counties as “ may be found necessary ;” be further continued, and the said Acts and every clause matter and thing therein contained are hereby continued and declared to be in full force until the First day of April, which will be in the year of our Lord one thousand eight hundred and eight, and no longer. ^{Continued for 5 years.}

See 47, Geo. 3, c. 15, making the above Acts perpetual.

CAP. IX.

An ACT for raising a Revenue in this Province.

Passed the 16th March 1803.

Continued to 1st of April, 1807, by 45 Geo. 3. c. 17.

Since Expired.

CAP. X.

An ACT for appropriating certain Monies for defraying the Expences of the Province.

Passed the 16th March, 1803.

Obsolete.

CAP. XI.

An ACT for granting certain Sums for repairing and Laying out
Roads.

*Passed 16th March, 1803.
Obsolete.*



Anno Regni GEORGII III. Regis
 Quadragesimo Quinto.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the Ninth day of February, in the year of our Lord, One thousand Eight hundred and Three and in the Forty-Third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of Great-Britain, and Ireland, King Defender of the Faith, and so forth; and from thence continued by several prorogations to the Twenty-ninth day of January, One thousand Eight hundred and five; being the first Session of the fourth Assembly convened in the said Province.

CAP. I.

An ACT for the better regulating the Militia in this Province.

Passed the 5th of March. 1805.

Expired.

See 56, Geo. 3, c. 6.

CAP. II.

An ACT to alter one of the Terms of holding the Inferior Court of Common Pleas for the County of York.

Passed the 5th March, 1805.

WHEREAS the second Tuesdays in April appointed by Law as an additional Term for the Sittings of the Inferior Court of Common Pleas in the County of York, have been found inconvenient, owing to the dangerous state of the River Saint John at that period. Preamble.

I. *Be it therefore enacted by the President, Council and Assembly, That the said Court shall hereafter be holden on the third Tuesday* Court to be held on 3^d Tuesday in March.
 day.

days of March instead of the said second Tuesdays in April, in each and every year.

No process to abate by reason of alteration.

II. *And be it further enacted*, That no process shall abate, or other business of what nature or kind soever, be discontinued by reason of the alteration of the said Term, but shall and may be proceeded upon, heard and determined, at the time herein appointed, in the same manner as they might have been proceeded upon, had no alteration been made.

CAP. III.

An ACT to prevent the Importation and Sale of Goods by Persons not His Majesty's Subjects.

*Passed the 5th March, 1805.
Expired.*

CAP. IV.

An ACT for the better regulating the Weight and Rates at which Gold Coin shall pass current in this Province.

Passed the 5th March, 1805.

Preamble

WHEREAS it will tend to prevent the diminution of Gold specie circulating in this Province that the same be regulated according to a standard that shall not present an advantage by carrying it into the neighbouring Countries: *And whereas* an advantage does arise by carrying Gold Coin out of the same.

Gold Coin to be a legal tender at the weight and rates following.

I. *Be it therefore enacted by the President, Council and Assembly*, That the Gold Coin hereafter mentioned, shall pass current and be a legal tender in payment of all Debts and demands whatever in this Province, at the weight and rates following, that is to say---the British Guinea weighing five penny-weight and six grains Troy, at one pound, three shillings and four pence; the Johannes of Portugal, weighing eighteen penny-weight

weight Troy, at four pounds; the Moidore, of Portugal, weighing six penny-weight and eighteen grains Troy, at one pound ten shillings; the milled Dubloon or four pistole piece of Spain, weighing seventeen penny-weight Troy, at three pounds, fourteen shillings; the French Louis d'or coined before the year one Thousand seven Hundred and ninety-Three, weighing five penny-weight and four grains Troy, at one pound, two shillings and six pence; the French Pistole piece, coined before the same period, weighing four penny-weight and four grains Troy, at eighteen shillings; the American Eagle piece, weighing eleven penny-weight and six grains Troy, at two pounds ten shillings. And all the higher and lower denominations of Gold Coin shall also pass current and be a legal tender in payment of all Debts and demands whatsoever in this Province, in the same proportion respectively.

Moidore of Portugal 6d. 18gr. £1. 10s.

Doublon of Spain 17d. £3 14s.

French Louis d' or 5d. 4gr. £1 2s. 6d.

French Pistole 4d. 4gr. 18s.

American Eag's 11d 6gr. £2 10s

and all higher & lower denominations of Gold Coin in the same proportion.

II. *And be it further enacted*, That for every Grain which any piece of the aforesaid Gold Coins shall respectively weigh more than the standard aforesaid, there shall be allowed and added in all payments made in pieces of Gold Coin by detail, two pence and one farthing Currency; and for every Grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be deducted in all such payments two pence and one farthing Currency.

For every Grain which any piece weighs more or less than the standard, 2d to be added or deducted.



III. *And whereas* it would be a great facility in making payments if Gold Coin was weighed in bulk and not in single pieces; *Be it therefore enacted*, That in every pay-

In all payments exceeding £50 Gold may be weighed in bulk.

Gold of Great-Britain, Portugal and America together, & that of Spain and France together.

A deduction to be made of two-thirds of a grain for each piece weighed

Gold of Great-Britain, Portugal & American to be computed at 89s. per ounce, & that of Spain & France at 87s. after deduction made.

No plugged gold to be a lawful tender.

ment exceeding the sum of Fifty Pounds, which shall be made in Gold Coin after the first day of May next, when one of the parties making or receiving the same shall require it, such Gold shall be weighed in bulk and not in single pieces, that is to say--the Gold of Great-Britain, Portugal and America together, and that of Spain and France together, from the weight of which a deduction shall be made of two thirds of a grain Troy, for each piece of Gold Coin so weighed, as a compensation for the loss that may accrue by paying away the same in detail; and in all payments so made the Gold Coin of Great-Britain, Portugal and America, shall be computed at the rate of eighty-nine shillings Currency for each ounce Troy, and that of Spain and France at the rate of eighty-seven shillings Currency for each ounce Troy therein contained, after such deduction made, and so in proportion for a greater or lesser quantity.

IV. *And be it further enacted*, That no plugged Gold of any kind, shall from and after the passing of this Act, be a lawful tender in this Province.

CAP. V.

An ACT to continue an Act, intituled, "An Act for the better securing the Navigation of Passamaquoddy Bay, within Deer "Island."

Passed the 5th March, 1805.

Expired.

But see 3d Geo. 4, c. 14.

CAP. VI.

An ACT for the more effectual prevention of Desertion from His Majesty's Forces.

Passed the 5th March, 1805.

Expired.

CAP.

CAP. VII.

An ACT to alter and amend an Act, intituled, " An Act for securing the Navigation of the River Magaguadavic." Refer to 26 Geo. 3. c. 34

Passed the 5th March, 1805

WHEREAS the erection of Saw-Mills, and other improvements on the River Magaguadavic, are found to be of great Public advantage; and that for the securing and further promoting thereof, some alterations and amendments are required to the Act, intituled, " An Act for securing the " Navigation of the River Magaguadavic." Preamble.

I. Be it therefore enacted by the President, Council and Assembly, That for erecting of Mills, and securing of Logs and other purposes, it shall and may be lawful to throw a Dam or Dams, a Boom or Booms, across the said River Magaguadavic, where the same may be found convenient, at or near the second Falls or other parts of the said River. Provided always, That such Dam or Dams, Boom or Booms, be so constructed as to secure a sufficient Sluice way or passage for conveying Boats, rafts of Boards or other Lumber through the same. Dams or Booms may be placed across the River Magaguadavic, provided a sufficient sluice way be left for boats and rafts.

CAP. VIII.

An ACT to regulate the Winter Roads in the Counties of York and Sunbury.

Passed the 5th March, 1805.

The 1st. 2d. 3d. and 5th sections of this Act repealed by 52, Geo. 3, c. 18.

IV. And be it further enacted, That the said Commissioners or the major part of them, shall and they are hereby required to agree and determine the distance upon the said River, which is to be worked by their respective Towns or Parishes, and the Surveyors, Commissioners to determine the distance to be worked by their respective Parishes.

veyors of Highways shall proceed to break the said Winter Roads agreeably to Law.

VI. *And be it further enacted,* That if any person shall wilfully cut or take down, or destroy, any of the Bushes so to be erected, shall forfeit and pay the sum of Thirty Shillings upon conviction before any one of His Majesty's Justices of the Peace, upon the Oath of one or more credible witness or witnesses, to be levied by warrant of distress and Sale of the offender's goods, rendering the overplus, if any, after deducting the costs and charges to the offender, to and for the use of the Informer; and for want of such effects to levy on, the said offender or offenders, shall be imprisoned for a time not less than Six nor exceeding Ten days.

VII. *And be it further enacted,* That every Inhabitant in the said Counties keeping a Team or any Carriage whatever drawn by one or more Horses, Ox or Oxen, shall be obliged, on being duly summoned, to send his Team or Carriage with a competent driver, to work in such manner as the said Surveyors shall direct. And on such person or persons neglecting or refusing to send his Team or Carriage and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of such Team or Carriage shall forfeit the sum of Ten Shillings. And every Commissioner or Surveyor who shall refuse or neglect to perform the duty enjoined and required by this Act, shall forfeit and pay for every such refusal or neglect the sum of Three Pounds, the fines aforesaid to be recovered on complaint

Persons cutting or destroying bushes to forfeit 30s,

to the use of the Informer.

Inhabitants keeping Teams, to send the same on being summoned, with a good driver to work as the Surveyors direct, under the penalty of 10s.

Commissioners or Surveyors for neglect of duty, to forfeit £3.

plaint, with costs of suit, before any one of His Majesty's Justices of the Peace, and the forfeiture applied for repairing the Highways, under the direction of the Commissioners or the major part of them, of the Towns or Parishes where the said forfeiture shall accrue. *Provided always*, That such person or persons keeping a Pleasure Sleigh or Sleighs only, shall not be obliged by this Act to perform any other labour on the said Winter Roads, except to break the same when duly summoned so to do.

Forfeitures applied for repairing the highways.

Persons keeping Pleasure sleighs only, to do labour but breaking roads.

VIII. *And be it further enacted*, That no person or persons summoned as aforesaid, shall be obliged to go further from their respective homes than three Miles, or to work on the said Winter Roads more than Four days in any one Winter.

No person to go more than three miles from home.

IX. *And be it further enacted*, That whenever the Surveyors of Highways on the Rivers Nashwalk and Penniack, in the Parish of Saint Mary's and County of York, shall during the Winter season deem the labour of Men necessary, it shall and may be lawful for such Surveyors forthwith to summon such and so many of the Inhabitants with their Shovels or such other proper implements as the said Surveyors or Surveyor shall direct, not exceeding Four times in any one Year, nor a greater distance than Three miles from their own houses, and in case of refusal or neglect shall forfeit and pay for each and every offence the sum of Three Shillings, to be recovered with costs of suit in manner described in the seventh section of this Act.

Surveyors on the Nashwalk & Penniack when necessary to summon Inhabitants to work with shovels, not more than 4 times in a year, nor more than three miles from home,

under penalty of 3s.

Single Horse or Ox sleds used on the Nashwack & Penniack to be 3 feet 8 inches wide, under penalty of 5s.

X. *And be it further enacted*, That all Sleds made use of for the purpose of transporting Wood, Hay, or other heavy materials to or from or in the Settlements on the Rivers Nashwack and Penniack aforesaid, and drawn by one Horse or one Ox, shall not be less or more than Three feet Eight inches from outside to outside of the runners thereof: And if any person or persons whatever shall make use of any single Horse or Ox Sled as aforesaid of less dimensions, and be thereof convicted by the Oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace or on view of such Justice, shall forfeit and pay the sum of Five Shillings, the same to be recovered and applied in manner directed in the the seventh section of this Act. *Provided always*, That nothing herein contained shall be construed to extend to any Sled a Man may use upon his own Farm only, or to any Pleasure Sleigh whatever.

Not to extend to sleds a Man may use on his own Farm only, or to Pleasure sleighs.

XI. *And be it further enacted*, That all persons travelling to the Settlements on the Rivers Nashwack or Penniack above the great Rapids so called, with Sleds or Sleighs drawn by one Horse or one Ox, shall at all times be obliged to travel on the Highway as now laid out, on the westerly side of the said River Nashwack, leading from the Moncton Ferry to the said Settlements, under the penalty of Ten Shillings, to be recovered as aforesaid, all which forfeitures shall be paid to the person or persons prosecuting the same to conviction.

Persons travelling with single Horse or Ox sleds to the settlements on the Nashwack or Penniack to go on the highway on the westerly side of the Nashwack, under penalty of 10s Forfeitures to be paid to the Prosecutor.

See further 52 Geo 3. c. 18, in amendment of this, and see also general regulations made by the Road Act 50 Geo. 3. c. 6.

CAP. IX.

An ACT in addition to an Act, intituled, "An Act for regulating Juries and declaring the qualification of Jurors."

Refer to 26 Geo. 3. c. 6, & 31 Geo. 3. c. 6.

Passed the 5th March, 1805.

WHEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for regulating Juries and declaring the qualifications of Jurors," no provision is made respecting the Fees to be paid to Jurymen returned to serve on special Juries under the authority of the said Act.

Preamble.

Be it therefore enacted by the President, Council and Assembly, That any person who shall after the first day of May next serve upon any special Jury appointed or returned by authority of the said Act, shall be allowed to take for serving on such Jury no more than the sum of money which the Judge who tries the issue or issues shall think just and reasonable, not exceeding the sum of Five Shillings per day, and that the Sheriff for summoning and returning such Jury shall be intituled to receive a sum not exceeding Thirty Shillings, to be taxed at the discretion of the Judge.

Special Jurors to be allowed at discretion of the Judge, not exceeding 5s. per day.

Sheriff to receive not exceeding 30s.

CAP. X.

An ACT for altering one of the Terms of holding the Inferior Court of Common Pleas in the County of Sunbury.

Passed the 5th March, 1805.

WHEREAS the third Tuesdays in April appointed by Law as an additional Term for the sitting of the Inferior Court of Common Pleas in the County of Sunbury, have been found inconvenient owing to the dangerous state of travelling.

Preamble.

I.

Court to be holden on the fourth Tuesday in March.

I. *Be it therefore enacted by the President, Council and Assembly,* That the said Court shall be holden on the fourth Tuesdays in March, instead of the third Tuesdays in April.

No process to abate by reason of alteration.

II. *And be it further enacted,* That no Process shall abate, or other business of what nature or kind soever be discontinued by reason of the alteration of the said Term, but shall or may be proceeded upon, heard and determined at the time herein appointed in the same manner, as they might have been proceeded upon had no alteration been made.

CAP. XI.

An ACT to provide for punctuality of Payment at the Treasury by issuing Notes to the amount of the Public Appropriations.

*Passed the 5th March, 1805.
Obsolete.*

CAP. XII.

An ACT for encouraging and extending Literature in this Province.

Passed the 5th March 1805.

Preamble.

WHEREAS the Education of Youth is of the utmost importance in Society, and Public attention to that object has by experience been found to be attended with the most beneficial effects.

Grammar School established at St. John.

I. *Be it therefore enacted, by the PRESIDENT Council and Assembly,* That a Public Grammar School be and the same is hereby established in the City of Saint John.

Corporation appointed,

II. *And be it further enacted,* That the Rector of Trinity Church in the said City for the time being, the Mayor of the said City for the time being, and the Recorder of

of the said City for the time being, together with the Honorable George Leonard, Esq. Jonathan Bliss, William Pagan, John Robinson, John Black, and Thomas Wetmore, Esquires, Inhabitants of the said City, be, and they are hereby appointed Trustees and Directors of the said School, and the said Rector of Trinity Church always to be President of the Board: And that the said President and Directors shall be and they are hereby incorporated by the name of the President and Directors of the Public Grammar School in the City of Saint John, and shall by that name have perpetual succession and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of Lands and real Estate (the annual income of which shall not exceed One thousand Pound) and to accept and receive donations for the erection of a building for the endowment of the said School.

of which the Rector of Trinity Church to be President,

to have perpetual succession, & sue and be sued, &c.

and hold real estate not exceeding £1000 per annum.

III. *And be it further enacted*, That the President and Directors of the said Grammar School and their successors, or the major part of them, when duly summoned and assembled, shall form a Board for dispatch of business, and such Board of Directors or the major part of them so assembled, are hereby empowered to point out and procure a proper place whereon to erect the Building for the said School; to contract for and superintend the Building thereof; to provide a Master and one or more Ushers or Tutors, as they shall judge expedient, and from time to time to make and establish Bye

President and Directors when duly summoned, to form a Board, and such Board or the major part to procure a place for erecting a building, & contract for the same, & provide a master and ushers and make Bye Laws, for the regulation of the School.

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.

In the absence of the Rector, Mayor of the City, to act as President,

or the Recorder in the absence of both the Rector and Mayor.

IV. *And be it further enacted*, That during any vacancy or absence of the Rector of the said Church, the Mayor of the said City shall act as President, and it shall be the duty of the President at all times to summon a Board of Directors whenever the same shall be requested by three or more of the said Directors, and in case of sickness or absence of the said Rector, the Board may be summoned by the said Mayor, and in case of the inability or absence of both the said Board may be summoned by the said Recorder.

In case of death or removal of any who are not ex-officio Members,

Board within 3 months to elect others, to be approved of by the Commander-in-Chief of the Province.

V. *And be it further enacted*, That in case of death or removal from the said City of any of the said Directors not being permanent by office, the remaining Directors at a Board for that purpose, to be summoned within Three Months after, shall elect another fit person being an Inhabitant of the City for his successor, who being approved of by the Commander-in-Chief of the said Province for the time being, shall be one of the Directors of the said School, and every other vacancy shall be filled from time to time in like manner.

President & Directors to hold public visitations twice a year.

VI. *And be it further enacted*, That the said President and Directors shall hold public Visitations and Examinations of the said School twice in every Year, to wit, on the first Monday in April and first Monday in September.

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.

Free Scholars may be admitted not exceeding eight.

VIII. *And be it further enacted*, That One hundred Pounds annually be included in the Estimate for the ordinary expences of the Province, and granted to the said President and Directors of the said Public Grammar School, to be applied by them for or towards the support of the Master thereof, and that the sum of One hundred Pounds be granted to the said President and Directors, for the purpose of assisting them to purchase or erect a Building for the said School; and that they the said President and Directors shall be accountable from time to time to the Legislature of the Province for their conduct and management of the property so vested and to be vested in them by virtue and in pursuance of this Act. *Provided always*, That as soon as the annual sum of said Grammar School, in whatever manner the same may arise, shall amount to Six hundred Pounds, then and in such case the annual sum of One hundred Pounds hereby granted shall cease.

£100 per annum granted for the support of a master,

See further grant of £150, by 56 Geo. 3 c 20,

and the sum of £100 towards procuring a building—

Board to be accountable to the Legislature,

£100 per annum to cease when the Funds of the School amount to £600 per annum,

The remainder of this Act, no longer in force,—being limited to 6 years only.

CAP. XIII.

An ACT to enable the Commissioners of Highways in the Parishes of Magerville, Sheffield, and Waterborough, to lay out Highways, and to appropriate part of the Statute labour for securing the Bank of the river in front of those Parishes.

Passed the 5th of March, 1805.

Preamble.

WHEREAS great damage frequently happens to the Bank of the River Saint John in front of the Parishes of Magerville, Sheffield, and Waterborough, and to the Highways laid out thereon.

Commissioners may alter Highways damaged by the Freshes.

I. *Be it therefore enacted by the President, Council and Assembly,* That the Commissioners of the Highways for the time being, in such Parishes shall and they are hereby empowered to alter the said Highways in the Parishes aforesaid that have been or hereafter may be washed away, or otherwise damaged by the freshes, as may appear to them convenient and necessary.

Surveyors, when required, to summon Inhabitants to work

II. *And be it further enacted,* That the Surveyors of Highways in the Parishes aforesaid, shall, after the first day of April in every year, when required by the said Commissioners so to do, summon every male Inhabitant in their districts, with their Teams and such Implements as may be necessary, who are liable to work on the Highways, giving them at least Six days notice, to labor thereon by planting the said Bank with Willows or Alders, or otherwise bushing the same, as the said Commissioners may deem most effectual for the preservation thereof. And such labor so done, shall be allowed by the said Commissioners in part of the labor which the said Inhabitants by Law are liable to perform, under the penalty

with teams, &c. in planting the bank with bushes to be allowed as part of the labor they are by Law to perform.

nalty of Five Shillings, and for every neglect of Teams turning out with a competent driver, Ten Shillings for each and every offence or neglect, to be recovered on complaint of any one of the said Commissioners, to any one of His Majesty's Justices, to be levied by warrant of distress and the sale of the offender's goods and chattles, rendering the overplus, if any, to the owner or owners, to be laid out under the direction of the said Commissioners in the districts where the same shall be recovered.

under penalty of five shillings—

and 10s for neglecting to send teams---

to be recovered on complaint of a Commissioner to a Justice of Peace,

to be laid out on the Highways.

CAP. XIV.

An ACT for the Regulation of Booms, for securing Masts, Logs, and Lumber in the County of Charlotte.

Passed the 5th of March, 1805.

WHEREAS it has been found necessary to erect Booms on several of the Rivers and Streams in the County of Charlotte, for the purpose of securing such Timber as may be hauled out and thrown into the same in a general deposit, until it can be conveniently conveyed by the respective owners to the different places of destination. And whereas it is necessary that proper regulations should be established to secure the safe delivery of the same to the owners.

Preamble

Be it therefore enacted by the PRESIDENT, Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the County of Charlotte, in their General Sessions, to make and establish such regulations as to them may appear necessary respecting such booms as have been erected or may be hereafter erected in said County, and to appoint Boom-Masters from time to time, and fix their Fees for attending such

Justices in Sessions to make regulations respecting Booms,

and appoint boom masters and fix their Fees.

Booms

No booms to be erected so as to impede the Navigation.

Booms and superintending the safe delivery of the Lumber passed through the same. *Provided always*, That it shall not be lawful for said Justices to grant permission for erecting any Boom or Booms which may impede the Navigation of any River or Stream in said County.

See further 4, Geo. 4, c. 7.

CAP. XV.

An ACT for granting aid in support of the College of New-Brunswick, incorporated by Charter and established at Fredericton.

Passed the 5th of March, 1805.

£100 per annum granted to the Trustees of the College.

to cease when the Funds of the College amount to £1000 per annum

BE it enacted by the President, Council and Assembly, That there be included from time to time and at all times in the estimate of the Ordinary Expense of this Province, the annual sum of One Hundred Pounds, and that the same be granted to the Governor and Trustees of the College in Fredericton, to be applied by them towards the Tuition of the Pupils of the said College. *Provided always*, that when the Funds of the said College shall amount to One Thousand Pounds annually, then and in that case the said Grant of One Hundred Pounds shall cease and determine.

See further 56. Geo. 3. c. 20.

CAP. XVI.

An ACT to continue an Act made and passed in the Thirty-sixth Year of His Majesty's reign, intituled "An Act for regulating "laying out and repairing Highways and Roads."

Passed the 5th March, 1805.

Since Expired.

CAP. XVII.

An ACT to continue an Act made and passed in the Forty-third Year of His Majesty's reign, intituled, "An Act for raising a "Revenue in this Province." *Passed the 5th March, 1805.*

Since Expired.

CAP.

CAP. XVIII.

An ACT for erecting the Eastern part of the County of Westmorland into a distinct Town or Parish.

Passed the 5th March, 1805

Parish of Botsford
erected.

BE it enacted by the President, Council and Assembly, That all that Tract of Land in the County of Westmorland, lying East of the prolongation of the North line, between the Parishes of Westmorland and Sackville, to Northumberland streights, from thence Eastward to Chemogue, and round the Capes Tormentin and Saint Lawrence, along the Bay Verte, until it meets the Boundary of the Parish of Westmorland, end extending Westerly to the first Boundary, be one distinct Town or Parish, distinguished by the name of the Town or Parish of Botsford; and that the Justices of any special Sessions may appoint such Town or Parish officers for the current year, as they may deem necessary to continue in office, until further appointments in the General Sessions.

Justices, in Special Sessions to appoint Parish Officers.

CAP. XIX.

An ACT to continue sundry Acts of the General Assembly that are near expiring.

Passed the 5th March, 1805.

BE it enacted by the President, Council and Assembly, That an Act passed in the Thirty-ninth year of His Majesty's reign, intituled, "An Act for regulating the Fisheries in the County of Northumberland;" also an Act made and passed in the Forty-first year of His Majesty's reign, intituled, "An Act for the support and relief of Confined Debtors;" also an Act made and passed in the Forty-first year of His Majesty's reign, intituled, "An Act for the further

Act for regulating the Fisheries in Northumberland 39, Geo. 3, c. 5.

Act for support of confined Debtors, 41 Geo. 3, c. 5.

Act for the better support of the Poor in St John, 42 Geo. 3, c. 8.

and

Act for preserv-
ing the Bank of
the river in front
of the Parish of
Lincoln, 41 Geo.
3, c. 9.

Act to continue
the Act for pre-
serving the bank
of the River, in
front of Mager-
ville, Sheffield, &
Waterborough.—
41, Geo. 3, c. 10.

Act for the speed-
y recovery of
small debts.
Since expired.

Continued till 1st
of March, 1810.

“ and better support of the Poor in the City
“ of Saint John;” also an Act made and
passed in the Forty-first year of His Ma-
jesty’s reign, intituled, “ An Act for preserv-
“ ing the Bank of the River Saint John,
“ in front of the Parish of Lincoln, in the
“ County of Sunbury;” also an Act made
and passed in the Forty-first year of His Ma-
jesty’s reign, intituled, “ An Act to continue
“ an Act,” intituled, “ An Act for preserv-
“ ing the Bank of the River Saint John, in
“ front of the Parishes of Magerville, Shef-
“ field, and Waterborough;” and an Act
made and passed in the Forty-second year of
His Majesty’s reign, intituled, “ An Act for
“ the easy and speedy recovery of Small
“ Debts, and for regulating the proceedings
“ thereon,” be further continued, and the
said Acts and every clause, matter and thing
therein contained, are hereby continued and
declared to be in full force, until the first
day of March, which will be in the year of
our Lord, One thousand Eight hundred and
Ten.

CAP. XX.

Refer to 43, Geo.
3, c. 6.

An ACT to amend an Act for regulating the Exportation of Butter.

Passed the 5th March, 1805.

Preamble.

WHEREAS the restriction in the Act
for regulating the Exportation of
Butter, that the “ same should be packed in
“ Firkins of hard seasoned wood,” has been
found inconvenient, for remedy whereof---

I. *Be it enacted by the President, Council
and Assembly,* That all Butter hereafter to
be shipped for Exportation, may be packed
in any Firkins of seasoned Wood other than
Pine

Butter may be
packed in season-
ed Wood of any
kind except Pine
and Cedar.

Pine or Cedar, so as the same be free of sap, tight and well hooped.

II. *And be it further enacted*, That the said in part recited Act and every clause thereof, except wherein the same is hereby altered, shall continue and be in full force, any thing to the contrary herein contained notwithstanding.

Recited Act to remain in force except as hereby altered.

CAP. XXI.

An ACT to appropriate the Public Revenue.

*Passed the 5th March, 1805.
Obsolete.*

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 Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of Great-Britain, and Ireland, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the 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.

Passed the 5th March, 1807.

Expired.

CAP. II.

An ACT for the further relief of Debtors, with respect to the imprisonment of their Person.

Passed the 5th of March, 1807.

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.

I. *Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, it shall be lawful*

ful 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 hereinafter 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 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 chattles 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

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

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.

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

and shall not be thereby chargeable with the debt.

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

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 hereinbefore 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 *seire 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 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.

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 authorized 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 of the creditor or creditors signifying or declaring such consent.

produced and left
with him,

and proved by an
affidavit annexed
thereto

to discharge the
debtor if detained
only upon the ex-
ecution at the suit
of the creditor con-
senting.

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 afore-

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

Bedding, &c. ex-
empted from sei-
zure not to exceed
£10 in value.

said

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

said, 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 authorized and empowered to administer.

CAP. III.

An ACT to ascertain the Rights of Fishery.

Passed the 5th 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.

Repealed.

Passed the 5th 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 authorize the said Justices to build and finish a Gaol and Court-House in the said County.

Passed the 5th of March, 1807.

Expired.

CAP. VI.

An ACT to render Justices of the Peace more safe in the execution of their duty.

Passed the 5th of March, 1807.

Repealed by 50 Geo. 3. c. 25.

CAP. VII.

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

Passed the 5th of March, 1807.

WHEREAS the unlawful cutting or taking away of corn and grain growing, robbing of orchards, gardens and other plantations

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,

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 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,

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 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.

secution, 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.

Persons wilfully injuring fruit trees

or cutting or spoiling woods, &c

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

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 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.

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

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.

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 offenders 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

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

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 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

Clerk to enter notice in a Book.

Clerk's fee.

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

sor 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 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.

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

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

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

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, plant 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.

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

IV. *And be it further enacted,* That any person or persons whatsoever, who shall between the first day of November and the first day of May, in each and every year hereafter, knowingly have any such Horses, Neat Cattle and Sheep as aforesaid, in his or their inclosed land or possession, and do not acquaint the owner or owners therewith, or give notice as prescribed by this Act within twenty days thereafter, such person or persons so offending shall not only forfeit any demand they might otherwise have for keeping 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.

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 proper 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 mentiond.

Books kept by the Clerks of the Parishes to be open to inspection.

Fee for searching.

Ear-marks to be registered.

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.
Expired.

This Act with sundry amendments was continued by sundry Acts to the end of the Session of 1819, when it expired—and other Acts made in lieu of it in subsequent Sessions.

CAP.

CAP. XI.

An Act to enable the Justices of the County of York in their General Sessions, to Assés the same for the purpose of completing the Gaol of the said County.

Passed the 5th of March, 1807.

Expired.

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. XIII.

Refer to 33 Geo. 3, c. 9, and the Acts there referred to.

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---

Preamble.

Justices in their General Sessions may make regulations.

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.

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.

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 in the twenty-sixth year of His Majesty's Reign, intituled, "An Act for relief against absconding Debtors"---Also an Act made and passed in the twenty-eighth year of His Majesty's Reign, intituled "An Act, "in addition to an Act, intituled "An Act, "for relief against absconding Debtors"--- Also an Act made and passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act to regulate the sale of Goods 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 passed in the twenty-seventh year of His Majesty's Reign, intituled "An Act "to authorise 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 passed in the twenty-eighth year of His Majesty's Reign, intituled "An Act "to empower the Justices of the Sessions "in several Counties in this Province to "make such rules and regulations respecting Markets and Ferries within such Counties as may be found necessary"---be, and the same are hereby made perpetual.

Act for relief against absconding Debtors, 26, Geo. 3, c. 13.

and the Act in addition thereto, 28, Geo. 3, c. 2.

Act to regulate the sale of Goods at Public Auction, 26, Geo. 3, c. 44.

Act to prevent fraud in the sale of damaged Goods, 26, Geo. 3, c. 51.

Act to authorize the proprietors of Islands to make regulations, 27, Geo. 3, c. 2.

Act to empower the Justices of the Sessions to regulate Markets and Ferries, 28, Geo. 3, c. 8, made perpetual.

CAP.

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 shall be appointed to seize all such prohibited goods, and to prosecute the same to condemnation and forfeiture

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.

feiture 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 inform, 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 and sold under Act this.

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 and under oath before the said Treasurer or his Deputy as aforesaid, which oath the said Treasurer and his Deputies respectively, are hereby authorized and required

Purchasers to report amount to the Treasurer under oath,

and pay or give
Security for the
duty,

otherwise articles
may be seized &
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,

and with a Writ
of assistance

to administer of the articles so purchased as aforesaid, and the Duties aforesaid arising thereon shall at the same time be paid or secured 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, intituled "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 enter 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 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 prohibited articles shall be found, which Writ the proper

proper Officers of the said Courts are hereby authorized 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.

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

Limitation of this Act.

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 continued by 50 Geo. 3, c. 10, and made perpetual by 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, and so forth; 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.

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---

Preamble.

Defendant not appearing to Subpoena or other process,

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

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

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 Subpoena 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, 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

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 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

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,

and may order the plaintiff's demand to be paid upon security given to abide such order,

his,

touching restitution as the Court shall make upon the defendant's appearance and paying costs;

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 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.

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

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

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

able 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 Administrator (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.

III. *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

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

tive 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 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.

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

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

tition 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.

CAP. III.

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."

Refer to 31 Geo.
3, c. 5,

Passed the 30th of July, 1808.

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 enacted that the fixed and stated Terms of holding the Court of Governor and Council for the purposes and causes therein mentioned, shall be, and commence on the first Tuesday in February, and the third Tuesday in July in each and every year: And whereas it is expedient to alter the commencement of one of the said Terms.

Preamble.

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 Tuesday in July in each and every year, any thing in the said herein before recited Act to the contrary thereof in any wise notwithstanding.

July Term altered.

Every thing in former Acts not hereby altered, to continue in force.

II. *And be it further enacted,* That every clause, matter, and thing in the said herein-before recited Act contained, not hereby altered, 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, intitled "An Act for raising a Revenue in this Province.

Passed the 30th of July 1808.

Refer to 47 Geo. 3, c. 10, [Since Expired.]

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, and so forth; being the first Session of the fifth General Assembly convened in the said Province.

CAP. I.

An Act to authorize 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 Parish, 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,

Preamble.

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

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 restoring to such house or houses upon or near to the said Road as may be requisite for rest or refreshment.

CAP. II.

See English Statute.

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,

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

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.

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

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 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.

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.

Prisoner in such cases 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

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

be Felons, and shall suffer death as in cases of 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 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.

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

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.

Expired---but see 3, Geo. 4, c. 14.

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." Refer to 39 Geo. 3, c. 5.

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, intituled "An Act for regulating the Fisheries in the County of Northumberland," be continued; and the said Act and every clause, matter and thing therein contained, 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 Navigation 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 necessary 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

Commissioners to cause Beacons and Buoys to be erected.

be lawful for such Commissioners as His Honor the President or Commander-in-Chief for the time being shall appoint, or the major 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.

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,

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 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 authorized 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

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.

major part of them, for the purpose of further improving the navigation of said Bays and Harbours.

Penalty of £5 for removing or injuring the Beacons or Buoys to be recovered before a Justice of the Peace; on failure of payment or for want of goods whereon to levy; offender to be committed to gaol not exceeding one month.

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 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.

Limitation.

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 by 54 Geo. 3, c. 3, and 58 Geo. 3, c. 11, and made perpetual by 3, Geo. 4, c. 4.

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.

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,

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

ties 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 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

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

refusal

fusal 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 person 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*.

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

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 authorized to lay out such public Highways and Roads as they or the major part of them shall think most convenient, as well for travellers as for the inhabitants of each Town or Parish, and the next adjacent Towns, Villages and Neighbourhoods, and also to regulate the 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

the said Highways, Roads or Streets lie, then the said Commissioners shall alter the same, and the said Commissioners or the major part of them shall instead thereof lay out such other Highways or Roads as they judge most convenient to answer the purpose aforesaid; which Highways and Roads so laid out, shall be common Highways and the charge arising from summoning such Jury, shall be paid by the persons applying to 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 without 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 distaining the Goods and Chattels of the offenders, and where no such effects are to be found, the offender or of-
fenders

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

fenders to be imprisoned for six days, or in case such offender shall not be known or found, the same shall be recovered by the sale of so much of the Timber or Wood, and the Carts 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.

Width of Roads to be not more than six or less than two rods.

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.

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

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

sufficient men in their stead in each and every year, provided with such necessary 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.

and hired servants who are to work three days, and common labourers and 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

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.

come into their respective Parishes to reside, after the first day of May, unless they produce a certificate of their having performed 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 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 summon Inhabitants between first of May and first of November, giving six days notice, to work on the Roads, and to oversee the work,

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

and if necessary may call out carts ploughs, &c. which with two

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 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.

oxen or horses to be equal to two days labour.

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

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 & 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.

who shall appear agreeably to such summons and being under the direction of such Surveyor, shall refuse or neglect to work, or 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.

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.

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

shillings for every day he shall so have neglected or refused 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, 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 ne-

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

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

glect the sum of three pounds to be recovered and applied as aforesaid.

XII. *And whereas*, it may be necessary to lay out private Roads within the several Counties in this Province: *Be it further enacted*, that upon application to the Commissioners appointed as aforesaid, for any Town or Parish, for a private Road, 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

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 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,

laid, shall not be prevented from making use of such Road, if he shall signify his intention of making use of the same at the time when the Jury are to ascertain the value of the land, and the 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 authorized and required after the first snow, and as soon as the rivers and marshes are safe for the passing of cattle on the ice, to order the Surveyors of Highways and Roads for the said Town or Parish, to summon forthwith so many in-

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

habitants 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 refusing 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 authorized 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.

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.

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.

Ways to be marked where the Commissioners shall direct, with ever-green bushes and if marks are displaced, Surveyors to sum-

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

said path from each other, and five feet in height, and on any of the said marks being displaced, the Surveyors shall summon forth with as many of the nearest inhabitants with their teams as they may judge necessary to replace them; and in case of refusal or neglect, every person so offending shall forfeit the sum of four shillings for each man and eight shillings for each team, for each day so summoned. *Provided*, when the public Roads are on the bank of the river, the said path shall be marked on the river. The said fines and forfeitures to be recovered by complaint to a Justice of the Peace, as in case of refusal to 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.

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

mon Inhabitants
to replace them.

Persons refusing
to pay four shil-
lings.

Fines to be appli-
ed for performing
the service.

The work requir-
ed by this clause
to be accounted
as part of the work
required to be
done on the high-
ways.

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

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.

XVIII. *And be it further enacted,* That the said Surveyors of the Highways by the direction of the Commissioners shall have full power and authority, and they are hereby required, during the winter season, to summon such and so many of the inhabitants having horses, oxen or teams in their respective districts, as they in their discretion shall think fit, to work at the time and place appointed, on the Highways or public winter Roads, by breaking Roads in the snow with their said horses, oxen or teams, whenever the depth of snow shall render the same necessary, not exceeding four days in each winter, and at no greater distance than three miles from their own houses. And such inhabitants shall perform the same work, over and above the work performed upon the Highways, Roads and Bridges, in and by this Act.*

* See fine imposed by ad Section of 48 Geo 3, c. 3, for refusal or neglect of attendance, in this Section required.

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,

Winter Roads to be broken in the snow.

Width of sleds to be four feet eight inches from outside to outside of the runners, under the penalty of 20s.

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 chattles, by warrant under the hand and seal of such Justice, rendering the overplus (if any) after deducting the costs and charges of such distress and sale, to the offender, which fines shall be paid and appropriated in like manner with 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 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

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

pective

pective 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 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 Commissioners 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

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.

XXIII. *And be it further enacted*, That no prosecution of suit for the recovery of any of the penalties mentioned in this Act, shall be brought or instituted after the expiration of six months from the time of committing the offence intended to be prosecuted : *Provided nevertheless*, that nothing in this Act shall be construed to extend to prevent those intrusted with public 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.

Prosecutions for penalties to be brought within six months.

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.

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

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.

Limitation.

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

See 52, Geo. 3. c. 3—54, Geo. 3. c. 7, and 56, Geo. 3, c. 24.

Amended by 58, Geo. 3, c. 3, and continued with amendment to 1824, & to the end of the then next Session, by 3, Geo. 4, c. 22.

CAP. VII.

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

Passed the 14th of March, 1810.

Preamble.

WHEREAS the proceedings upon writs of partition between coparceners, 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 unmanured, so that the profits

profits of the same may totally or in a great measure be lost, for remedy whereof :

I. The first part of this Section repealed by 52, Geo.

3. c. 19. §1. & other provision made in lieu thereof.

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 Patent, 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 such writ; and the numbers so drawn shall be expressed in the Inquisition to be found by such Jury, and accordingly assigned by such Sheriffs and

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 written 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.

Justices

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.

See 52, Geo. 3 c. 19, amending and altering mode of proceeding.

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 the n. 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, and conclude all persons after notice,

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 show a good and probable matter in bar of the said partition, the said judgment by default shall be confirmed, and final judgment entered, which shall be good and conclude all persons whatsoever after notice as aforesaid, whatever right

right or title they may have or may at any time claim to have in any of the lands, tenements and hereditament 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.

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, femes 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 and shew a good and probable matter against the said partition, in which case the said

Tenants concerned, shewing any inequality in the partition, the Court may award a new partition, which shall be good against all persons excepting infants, femes 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 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.

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.

No plea in abatement to be admitted.

Appellant to pay costs where the first judgment is confirmed.

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 action in the said Court; and the

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

or be liable to costs and damages not exceeding £5

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 the executing of writs of partition, unless the same be provided for by Law.

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

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.

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.

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

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

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 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 first by 52 Geo. 3, c. 12, and new provision made in lieu thereof, and that Act together with this, was afterwards repealed by 3 Geo. 4, c. 28.

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, was made in the 47 Geo. 3, c. 16, and is made perpetual by 54 Geo. 3, c. 1.

CAP. XI.

An Act to authorize 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, and 56
Geo. 3, c. 53.

An Act in amendment of the Acts now in force for regulating Seamen.

Passed the 14th March, 1810.

WHEREAS in and by an Act made and passed in the thirty-eight 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

Proamble.

curring for the offence mentioned in the second Section of the said Act, but no person is authorized 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 authorized 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.

Repealed by 2, Geo. 4, c. 6, s. 1.

CAP. XIV.

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

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

Passed the 14th of March, 1810.

Expired.

See further—52 Geo. 3, c. 1, 56 Geo. 3, c. 29, and 57 Geo. 3, c. 2 & 8.

Since Expired.

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.

Preamble.

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 authorized 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 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 expedient, 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 completing 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 Commonalty 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,

ty, 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, Aldermen 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, appoint, 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 hereafter to be made, laid out or used; not only 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 St. John.*

Duty of the Mayor, Aldermen, &c to alter, amend & repair all Streets, Highways and Bridges throughout the County of Saint John.

* See further 58 Geo. 3, c. 12, limiting the width of Streets &c. thereafter to be laid out.

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

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,

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.

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

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.

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

IV. *And be it further enacted,* That the said Mayor, Aldermen and Commonalty of the said City, in Common Council convened, are hereby authorized 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,

formed, 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 and Surveyor to perform the duties of his office, the said Mayor, Aldermen and Commonalty, are authorized and required in like manner to appoint another in his place.

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 authorized 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

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.

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.

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.

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,

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 many afterwards come to reside within the same; and to summon the said persons to work and to superintend them, and to 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

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 & vouchers of all monies expended,

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.

and pay over monies remaining in hand.

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.

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.

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

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.

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.

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.

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, Slips, 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.

Limitation.

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

Continued to 1818, and to the end of the then next Session, by 54 Geo. 3, c. 16, and 56 Geo. 3, c. 25, amended and continued for four years by 58 Geo. 3, c. 9, and both Acts further continued to 1824, and to the end of the then next Session, by 3 Geo. 4, c. 18.

CAP. XVII.

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

Passed the 14th of March, 1810.

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

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

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.

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

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.

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

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.

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

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.

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

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.

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.

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

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 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

Justice to enter in a book all cases determined before him

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 admit-
ted but by con-
sent.

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.

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

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 authorized and required to take cognizance of, and proceed concerning such debts in the same manner, and shall have such and the same powers, in regard thereto, as if the plaintiffs and defendants were all of full age,

Servants under
age may recover
wages not exceed-
ing five pounds,
before a justice,
as if they were of
full age.

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

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.

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

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.

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

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 tenement, 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.

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.

X. *And be 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,

If a suit for any debt not exceeding five pound 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.

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

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

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.

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.

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 defendents in that Court, shall be allowed to plead or claim the benefit of any statute of limitations, and every such plaintiff or defendant so pleading or claiming, shall have and receive such and the like advantage and relief thereby, as such

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 favour 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 Act, be removed into the Supreme Court, and be there affirmed,

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.

Costs allowed on
affirmance or re-
versal of judg-
ment.

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.

Executions to be
directed to a con-
stable.

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 chattles of the debtor, the amount of the judgment, and for want of goods and chattles 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.

For want of goods
debtor to be com-
mitted.

Execution to be
returnable.

Constable liable
for neglect,

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

XV. *And be it further enacted*, That no action nor 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 months next after the
cause

or after satisfac-
tion or tender
thereof made, or
after three months

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.

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

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

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

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

the Clerk's Court
to be returnable.

be issued from 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.

Costs.

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.—Sum-

Justices Fees.

mons, six-pence, Capias and Affidavit, one shilling, Trial and Judgment, one shilling, Subpœna, four-pence, Venire, six-pence Execution, nine-pence. To every witness

Witnesses Fees.

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 Justices by whom the Process has been issued. Constable or proper officer for ser-

Constables Fees.

ving 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.

Jurors Fees.

Justices to have
concurrent jurisdic-
tion with the

XVIII. *Provided always, and be it further enacted*, That the Justices of the Peace, in the several Counties, shall respectively have concurrent

concurrent jurisdiction with the Clerk's Courts, 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.

Clerk's Courts, where the matter in demand does not exceed forty shillings.

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 Feries within such Counties as may be found necessary.

Refer to 18, Geo. 3, c. 8.

Passed the 14th of March, 1810.

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

Preamble.

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.

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:—

Preamble.

I. Be it enacted by the Governor, Council and Assembly, That the Constables and Marshals appointed

Three impartial persons to be returned, if required.

the twenty-eighth year of His Majesty's reign, intituled "An Act to empower the Justices in the Sessions of the several Counties in this Province, to make such regulations respecting Markets and Fairs, within such Counties as may be found necessary." And to enable the said Justices in like manner, to make regulations respecting causeys, promenades or walks, made and provided for the accommodation of foot passengers in the public Streets or squares in the several Towns and Parishes, where the same may be found necessary.---

Justices in Sessions may make regulations respecting Causeys, promenades, Walks, &c provided for the accommodation of foot passengers in the public streets, squares or other public places in any Town or Parish, except Saint John.

Be it enacted by the President, Council and Assembly, 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

ed, instead of twelve jurors. pointed 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 monthly terms or days of trial and no oftener, in case the Clerks of the 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, consisting of twelve Jurors as heretofore ordained.

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

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 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

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

is

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.

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 confinement, to be inserted in the execution against the body by the Clerk, in case the defendant shall not fulfil the judgment given against him, the said term not to exceed three months as heretofore ordained.

Term of imprisonment limited by the presiding justice.

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

Places of Courts sitting, appointed by presiding Justice.

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. XIX.

Sec. 41, Geo. 3, An ACT, to make perpetual an Act, for the further and better
c. 8. support of the Poor in the City of St. John.

Passed the 14th of March, 1810.

Made perpetual. **B**E 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.

CAP.

Judgement valid and final, want of form notwithstanding.

person to appoint the place where the 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.

Clerk not to depute his judicial power.

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. XX.

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

Passed the 14th of March, 1810.

Refer to 33, Geo. 3, c. 9. and 34, Geo. 3, c. 3.

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 Boar's 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 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

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.

Act

Act, for regulating the Fisheries in the different rivers, coves and creeks of this Province.

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.

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 Boar's Head, nor in the harbour of Saint John, as above limited, or 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.

No drift net to be used in the River Saint John or Kennebeckasis, 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.

All that part of this Section which relates to the regulation of drift nets repealed by 60, Geo, 3, c. 21.

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

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 Boar's Head in the River Saint John, or in the river Kennebeckasis, under the penalty of five pounds for each and every offence; nor shall there 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

sun-set on Saturday, 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.

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 anywhere 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 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 wastegate or fish way, sufficient for such Fish, in the proper seasons, to pass up and return without

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 with out 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.

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 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

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 directing a fish-way to be made,

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 chattles 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.

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, 3 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 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 waste-gate or fish-way, as is hereby required, it shall be considered as a new offence, and the offender or offenders shall in-

Every twenty days continuance of any Mill Dam without a fish-way, after order and conviction to be deemed a new offence, and the offender shall be liable to the same penalty.

curthelike 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, & 60, Geo. 3, c. 21.

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:

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; 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

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 Courts respectively.

ed 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.

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 finding 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 chattles shall be distrained for any rent reserved and due upon any demise, lease or contract whatsoever, and the tenant 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

Goods distrained for rent may be appraised & sold.

premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the Sheriff, according to Law, that then and 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 chattles 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 chattles so distrained, for the best price that can be gotten for the same, towards satisfaction for the rent, for which the said goods and chattles 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 chattles 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 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

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 chattles 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 chattles 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 to 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 plaintiff or plaintiffs: *Provided always,* that where the plaintiff or

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

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 conusance, 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, may and shall in executing every Writ of Replevin, of a distress for rent, take in their

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 authorized and required to administer) and conditioned for prosecuting the suit with effect, and without delay, and for duly returning the goods and chattles 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 live or lives, term of years, at will, sufferance or otherwise, of any messuages, lands, tenements or hereditaments, upon the demise or holding whereof any rent is or shall

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

be reserved, due or made payable, shall fraudulently, or clandestinely convey away or carry off from such premises, his, her, or their goods and chattles 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 chattles as aforesaid, to take and seize such goods and chattles 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 chattles, 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.

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 chattles 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.

XIII. *And be it further enacted*, That when any goods or chattles fraudulently or clandestinely conveyed or carried away by any tenant or tenants, lessee or lessees, his, her,

Unless sold to any person not privy to the fraud.

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

or

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 chattles 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 chattles (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 chattles 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 chattles for the said arrears of rent, as he, she, or they might have done by virtue of this Act, if such goods and chattles 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,

Distress may be secured and sold on the premises.

rent 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 chattles, 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.

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

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

by deed) whereon a certain rent was reserved shall appear, the 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 authorized, 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

Persons holding over lands, &c after expiration of Lease, to pay double the yearly value.

cial Bail, against the recovery of which said penalty there shall be no relief in equity.

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 thenceforward 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 times 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 months notice ; when by the month, one months notice ; and when by the week, one weeks 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 chattles thereupon, it shall and may be lawful to and for the defendant 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

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

the

the tenant from whom such arrears became due.

One half a year's rent in arrear, Landlord may re-ent, serving a declaration of ejectment.

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

When lessor in ejectment may recover judgment, &c.

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 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

Not to bar the right of any Mortgagee.

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 agreements 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 injunction
against proceed-
ings 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 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.—

Trespasses by Cattle, not exceeding 40s. may be tried by a Justice of the Peace.

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

tween 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 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 Clerk's Courts to have 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

Offenders against this Act to forfeit fifteen pounds.

troy 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, plant or information in the Inferior Court 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.

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

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 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.

Limitation.

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

Continued to 1824, and to the end of the then next Session, by the following Acts, viz :—54. Geo. 3. c. 3—58, Geo. 3. c. 11, and by 3, Geo. 4. c. 5.

CAP. XXIII.

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

Passed the 14th of March, 1810.

Refer to 37 Geo 3
c. 4.—43 Geo. 3,
c. 7.

Repealed by 59, Geo. 3. c. 11 and 13.

CAP. XXIV.

An Act to authorise the Justices of the Peace in their General Sessions, to establish Ferries 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.

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.

Former Law
pealed, 47
3, c. 6.

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.

Refer to 29 G. 3.
c. 1, s. 3.

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 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.

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 to other person.

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 St. John."

Passed the 14th of March, 1810.

Repealed by 48
George 3, c. 4.

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

passed in the forty-eighth year of His Majesty's Reign intituled "An Act to make more effectual provision for repairing the Abolished or Bridge, across the Marsh Creek in the City and County of Saint John," be and the same is hereby repealed.

CAP. XXIX.

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

Passed the 14th March, 1810.

I **B**E it enacted by the President, Council and Assembly, That an Act made passed in the forty-first year of His Majesty's Reign, intituled "An Act for preserving the bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury." Also, an Act made and passed in the forty-first year of His Majesty's Reign, intituled "An Act to continue an Act for preserving the bank of the River Saint John, in front 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.

Acts for preserving the bank of the River in front of Lincoln,

and in front of Maugerville, Sheffield and Waterborough, continued for six years.

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 relief 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 expired; And whereas the sup-
ss4 port

re amble.

port and relief intended by the said Act, have been found expedient and necessary; And whereas it is deemed expedient further to extend the provisions of the said Act,

Made perpetual; 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.

Extended to debtors in execution upon judgments recovered before a Justice of the Peace.

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

Persons swearing falsely, liable to the Punishment of perjury.

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.

See further 59, Geo. 3, c. 12—3 Geo. 4, c. 15, and 4, Geo. 4, c. 10.

CAP. XXXI.

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

Passed the 14th of March, 1810.

I *BE* 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 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 authorized 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

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

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, they are hereby authorized 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:

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

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

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

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 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.

To the use of the Poor,

And be liable for all damages.

If gates are not kept in repair the Proprietor t have no benefit of 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

The fence to be removed when the reason for erecting it ceases

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,

VI. *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.—See further continued by 58 Geo. 3, c. 5, for 4 years, and extended to the County of Kings, and further continued for 5 years, by 3, Geo. 4, c. 7.

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.

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."

*Referro 31 Geo.
3, c. 17.*

Passed the 14th of 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 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

Preamble.


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

Oath to be taken instead of the Oath formerly appointed.

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 authorized to administer : Provided that
this

this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

 *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.*

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, and so forth; 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.

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

Passed the 21st of February. 1812.

[*Expired.*]

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

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."

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

Refer to 31 Geo.
3. c. 5; and 48
Geo. 3. c. 3.

Preamble

“ tery, and Fornication,” it is provided and enacted, 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 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 as-

sign to be Justice and Justices of the Peace, within the said City and County of Saint John, 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 authorized 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,

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

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 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 the same Act contained to the contrary thereof in any wise notwithstanding.

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.

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

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.

Recited Act continued in force.

See further 52 Geo. 3, c. 21, and 54 Geo. 3. c. 12.

CAP. III.

Refer to 50 Geo. 3 c. 6. 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."

Passed the 21st of February, 1812.

Further continued by 54 Geo. 3. c. 7.

56 Geo. 3. c. 24.

58 Geo. 3. c. 3.

3 Geo. 4. c. 22.

CAP. IV.

Refer to 31 G. 3 c. 8. 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."

Passed the 21st of February, 1812.

Preamble. **W**HEREAS 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 place 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.

Act 31, G 3 c. 8 repealed.

I. *Be it therefore enacted by the President, Council, and Assembly, That the said Act for fixing permanently the boundary lines between*

between the different Grants in this Province, be and the same is hereby repealed.

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.

Proceedings under the repealed Act confirmed.

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.

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

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.

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

I. *Be it therefore enacted by the President, Council and Assembly*, That from and after

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

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.

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

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 and 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.

Limitation.

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

shall

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

Amended by 59 Geo. 3. c. 9, and continued with amendment to 1825, and to the end of the then next Session by 54 Geo. 3. c. 3—58 Geo. 3. c. 14.—59 Geo. 3. c. 9, § 3 Geo. 4, c. 20.

See also, 2d Geo. 4, c. 21, as to drawbacks allowed on exportation of such articles.

CAP. VII.

An Act to authorize 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.

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 authorized 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.

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

Limitation.

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. 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 & 58 Geo. 3, c. 10.

CAP. X.

An Act to authorize 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.

Passed the 7th of March, 1812.

See further 2, Geo. 4, c. 4.

CAP. XI.

An Act to authorize the Common Council of the City of Saint
 John, to appoint Constables 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 Freeholders of the said City, being inha-
 bitants, are authorized and empowered to
 elect annually, one Constable for each of the
 six Wards of the City: And whereas it has
 frequently happened that in some of the said
 Wards no Constable has been chosen agree-
 ably to the provisions of the said Charter.

Preamble,

I. *Be it enacted by the President, Council,
 and Assembly, That it shall and may be law-
 ful*

Common Coun-
 cil may annually

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

appoint Constables for the Wards in which none shall have been chosen.

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.

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.

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 to 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 reco-

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

vered, and levied and collected, as in and by the same Charter is provided.

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

Constables in the eastern district, to be inhabitants of the Wards for which they are 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 authorize the appointment of Harbour Masters.

Passed the 7th of March, 1812.

Repealed by 3, Geo. 4. c. 28, § 1.

CAP. XIII.

An Act to authorize the Justices of the Peace in the City and County of St. 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 Millpond, to the River Kennebeckacis, at or near the site of the old Court-House in Kings 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

the head of Bates's Millpond so called, in the parish of Kingston, in King's County, to the River Kennebeckacis—

I. *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 offences 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.

CAP. XV.

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

Refer to 55 Geo. 3 c. 20.

Passed the 7th of March, 1812.

The 4th and last Section of this Act, was repealed by 56 Geo. 3, c. 4; and as all the preceding part of the Act related to the allowing of and regulating the practice of using Nets for taking Fish by drifting, it is repealed by 60 Geo. 3, c. 21, § 4.

CAP. XVI.

An Act authorizing 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,

And revived and made perpetual by 59 Geo. 3. c.

4. See further Act in addition thereto, 59 Geo. 3, c. 5.

WHEREAS the City of Saint John is in imminent danger from fire, from the improper construction of many chimnies and hearths within the said City, and whereas sundry regulations are necessary to be made, as well relating thereto, as to the dangerous practice of keeping gunpowder in many of the stores and dwelling-houses, and to sundry other practices which are liable to cause or promote fires, and also to provide for the better extinguishment of fires which may take place.

Preamble.

Mayor, Aldermen and Commonalty may make laws for preventing & extinguishing fires.

And compel the attendance and prescribe the duties of engineers, firemen & others.

And remove or prevent the construction of hearths, fireplaces &c.

I. *Be it therefore enacted by the President Council and Assembly,* That the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall have full power and authority to pass and to provide for the execution of such Ordinance as they may deem proper for the more effectual prevention and extinguishment of fires in the said City, and to compel the attendance of all Engineers, and Firemen, and such other persons as they may deem necessary to assist at the extinguishment of fires, and to prescribe the duties of such Engineers, Firemen and other persons; and to remove or prevent the construction of any hearth, fireplace, or chimney, stove, oven,

oven, or boiler kettle, or apparatus used in any manufacture or business which may be dangerous in causing or promoting fires, and also to direct the construction of deposits for ashes, in safe and suitable places, and of materials secure against fire. And also to regulate the keeping, carting, conveying or transporting of gunpowder, or any other combustable or dangerous material within the said City, and to provide for the forfeiture thereof, if the same shall be kept, carted, conveyed or transported contrary to such regulation: And also to regulate the use of light and candles in livery and other stables, within the same City, and to direct the inhabitants or owners of houses, within the said City, to provide themselves with fire-buckets, to be ready in their respective houses, for the purpose of extinguishing fires; and to authorize such suitable officer or officers, as they may think proper, at such reasonable time or times, as they may appoint to enter into and examine all dwelling-houses, lots, yards, enclosures and buildings of every description, within the said City, to examine and discover whether any danger exists therein, and to give order and direction concerning the same, so as effectually to provide for the safety of the inhabitants in the neighbourhood thereof; and for the more effectual and perfect execution of such laws and ordinances.

And direct the construction of deposits for ashes.

And regulate the keeping and conveying of gunpowder, &c.

And the use of light and candles in stable, and direct the inhabitants to provide fire-buckets,

And may authorize suitable officers to examine dwelling houses, yards, buildings, &c.

II. *Be it further enacted*, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty, in Common Council convened, from time to time to impose penalties

May impose penalties not exceeding £10.

for

for the non observance of the same, not exceeding ten pounds, to be recovered, paid and applied in like manner as all other penalties inflicted by any of the Laws or Ordinances of the said Mayor, Aldermen and Commonalty of the said City.

Limitation.

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

CAP. XVII.

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

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.

Preamble.

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.

Registered fire-
men in the City
of Saint John, ex-
empted from Sta-
tute labour on
the highways and
streets.

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

within the said City, during their continuance in the office of Firemen; any Law, or usage to 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.—and to general regulations made by road Act, 50, Geo. 3. c. 6.

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 Parish of Frederickton, Kingsclear, and Saint Mary's in the County

Commissioners to order Surveyors to summon the inhabitants to mark the roads with one row of evergreen bushes

County of York, and the Commissioners of Highways, 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 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.

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.

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

one of His Majesty's 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, 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.

And levied by warrant of distress.

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 wherein 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 30 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 law-ful

Preamb's.

“ful 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 pur-
 “parts to be, to award a writ of Partition,
 “as nearly as may be in the form for that
 “purpose established in the register of Ju-
 “dicial 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 re-
 pealed.

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 occupi-
 er or Tenant, &c.

II. *And be it further enacted*, That from and
 after the first day of May next, all proceed-
 ings at Law for partition between Coparce-
 ners, Joint-Tenants, and Tenants in Com-
 mon, 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 af-
 fidavit being made by any credible person,
 of due notice given of the said writ of Par-
 titition to the Tenant or Tenants to the ac-
 tion, and a copy thereof left with the occu-
 pier or Tenant or Tenants, or if they can-
 not be found, to the wife, son or daughter,
 (being of the age of twenty-one years or up-
 wards) 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 te-
 nements or hereditaments; whereof the Par-
 titition

tition 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 Gazette, 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.

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.

or if they cannot be found, being published in the Royal Gazette for 30 days; if an appearance 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 & give judgment by default and award a writ to make partition. And proceedings shall be as directed by recited Act.

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.

Twenty days notice to be given of executing writ to make partition.

IV. *And be it further enacted*, That the Sheriffs respectively, shall give twenty days notice of the execution of the writ to make Partition, 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
23 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

hereafter to be executed, shall live in any foreign 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,

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

intituled, " *An Act for the public registering of all Deeds, Conveyances, and Wills, and other incumbrances which shall be made of, or that may effect lands, tenements, or hereditaments, within this Province,*" and such 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.

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 intituled 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 authorized 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 authorized 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

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.

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 Fee.

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,

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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

Clerks of the Peace in the several Counties, to be provided with a book for the Registry of Certificates of Marriage.

the Registry of the Certificates of all Marriages which may be celebrated and solemnized within the 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.

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 certificates shall be made in the form or to the effect following, that is to say :

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.

Form of Certificate.

A, B. of the Parish of and C. D. of the Parish (or same Parish,) were married by { Banns } with consent of { Father } this day of in the year by me E. F. { Licence } { Guardian } { 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.]

* Vide 54 Geo. 3. c. 12, inflicting penalty of £20 on parties refusing to sign Certificate.

And

And the same certificate so made and attested, shall be, within two months from the making thereof, transmitted by the said Minister, 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.

Certificate to be within 2 months transmitted by the Minister to the 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.

Copies from the entries made by the Clerk's certified under his hand and the seal of the Court of Sessions made evidence.

Not to extend to Marriages among Quakers.

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 his hand, and the seal of the Court of General Sessions of the Peace, which the said Clerk is hereby authorized 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.

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

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privilege for the term of ten years, to be granted to 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 exclusive privilege of using a Boat granted for ten years upon Bond being given to complete such Boat within two years.

tween the said City of Saint John and Frederickton, for the term of ten years ; and no other person or persons whomsoever, other than the said John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, their executors, administrators or 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 the said term of ten years.

Saving the right of every person to use Boats and Vessels of any other description.

II. *And be it further enacted*, That nothing in this Act contained shall extend or be construed to extend to restrain, or in any manner effect the right of any person or persons to carry Passengers and transport Freight in Boats or Vessels of any description whatsoever, not worked by Steam, in like manner as such person or persons might have done, if this Act had not been made.

If the parties neglect to execute a Bond this Act to cease.

III. *Provided always, and be it further enacted*, That if the said John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, shall neglect to enter into and duly execute the said Bond as required by the first Section of this Act, within one month from the passing of this Act, the same shall cease to be of any force or effect.

Lists of the rates to be published in the Royal Gazette for two months before the Boat shall be used, and in case of alteration to be in like manner published

IV. *Provided also and be it further enacted*, That whereas such Steam Boat can be made use of during the summer season only, a list of the rates of Passage money and Freight intended to be received and taken during the then next ensuing season, shall, within two months

months before such Boat shall be actually used for the transportation of Passengers and Freight as aforesaid, be published in the Royal Gazette ; and in case any alteration of such rates to be taken in any subsequent season shall be thought expedient to be made during the enjoyment of the right herein-before granted, such alteration shall be in like manner published three months, at the least, before the commencement of such season, and that no higher or greater rates shall be taken in any season than such as shall be published to be taken during such season as aforesaid ; and that in case such Steam-Boat shall be unfit for use, or shall not be ready to be employed for the purposes aforesaid, agreeably to the true intent and meaning of this Act, during the space of three months in any season after such Steam Boat shall be completed and finished as aforesaid, unless in case of any accident by which the necessary repairs of such Boat shall require longer time to complete the same, then and from thenceforth the said right, secured as aforesaid by this Act, shall cease, determine, and become null and void.

before the commencement of every season.

No higher rates to be taken in any one season than such as shall be so published.

If the Boat shall be unfit for service for the space of three months after it shall have been completed, unless from accident, by which the repairs shall require longer time, this Act to cease.

See further 53 Geo. 3, c. 4, and 59 Geo. 3. c. 14. extending Provisions of this Act.

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 Januariy, 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, and so forth; and from thence continued by several Prorogations, to Tuesday the twelfth day of Januariy, 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 prolongation of the rear line of the Parish of St. David, to the Cheputnaticook

Boundaries described.

See 26 Geo. 3. c. 1, s. 4.

cook river, and bounded northwardly by the said line, and westerly by the Cheputnaticook and Saint Croix Rivers, and northeastwardly and eastwardly by the line of the Parishes of Saint David and Saint 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.

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.
G. 3. c. 1.

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 wan-
 " ted for other uses of war and defence, and
 " for ascertaining the value thereof, and mak-
 " ing compensation for the same to the former
 " owners," be it enacted, "That at any time or
 " times hereafter, whenever the General or
 " 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 fortifications or other military works
 " upon

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“ upon lands or tenements granted and be-
 “ longing 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 representa-
 “ tion or suggestion thereof to this effect, to
 “ the Governor, Lieutenant-Governor or
 “ Commander-in-Chief of the Province for
 “ the time being, if to his wisdom and dis-
 “ cretion it shall appear fit for His Majesty’s
 “ service and the security of the Province,
 “ to order the Clerk of the Crown in Chancery,
 “ to issue a writ or writs in His Majesty’s
 “ name, directed to the Sheriff of the Coun-
 “ ty, in which such lands or tenements so
 “ required are situate, and thereby command-
 “ ing him, after advertising his intention two
 “ months in the Royal Gazette, by the
 “ oath of honest and lawful men, being Free-
 “ holders 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 ju-
 “ rors 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 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 vested in the
 “ King

“ King, His Heirs and Successors.” And whereas the delay occasioned by the notification 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 returned 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 contrary notwithstanding.

Sheriff to proceed forthwith according to the exigence of the Writ.

Inquisition so made may be proceeded 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 within the limits of the City of St. 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 twenty-eight; four hundred and twenty-nine, four hundred and thirty, four hundred and thirty-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

Preamble.

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 :—

Part of King-Street and of Wentworth-Street of the City of St. John vested in His Majesty for military uses.

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.

CAP. IV.

Refer to 52 Geo. 3 c. 24.

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 St. 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.

Passed the 3d of March, 1813.

Preamble.

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

“ James Fraser, and Lauchlan Donaldson,
 “ upon good and sufficient security being
 “ given to His Majesty, His Heirs and Suc-
 “ cessors, 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 compe-
 “ tent to the accommodation of sixty passen-
 “ gers, 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, admi-
 “ nistrators and assigns, the sole right of car-
 “ rying Passengers, and transporting Freight
 “ of different kinds, in a Boat so to be worked
 “ by Steam upon the River Saint John, be-
 “ tween the said City of Saint John and Frede-
 “ rickton, 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. Brem-
 “ ner, Esquires, and James Fraser and Lauch-
 “ lan Donaldson, their executors, administra-
 “ tors or assigns should use or employ any Boat
 “ or Boats to be worked by Steam upon the
 “ said River Saint John, for any purpose
 “ whatsoever, 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, James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, stating that in consequence of the late Declaration of War, by the Government of the United States of America, against Great Britain, it has become impossible for them at present to comply with the condition of their said bond, and praying the relief in the premises.

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

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.

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 in any wise notwithstanding.

Former Act continued, except wherein it is hereby altered.

See further 59 Geo. 3. c. 14.

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.

For former Pro-
visions refer to
47 G. 3 c. 10.
50 G. 3. c. 14 &
52 G. 3 c. 1.
Since Expired.

This Act was continued to the 1st April 1820, by

56 Geo. 3, c. 29,—57 Geo. 3, c. 2, and 58 Geo.

3, c. 14, when it Expired.

Anno Regni GEORGII 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, and so forth; 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 an Act made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act to authorize the Justices of

Act to prevent
illicit and clandestine Trade &c.
47 Geo. 3. c. 16.

Act to authorize
the Justices of
York and Charlotte, to regulate
the Assize of
Bread, &c 52
Geo 3, c. 7.

“ the Peace for the Counties of York and
 “ Charlotte respectively, to regulate the
 “ Assize of Bread in the Towns of Frede-
 “ rickton and Saint Andrews”—be, and the
 same are hereby made perpetual.

*So much of this Act as related to 52 Geo. 3, c. 12,
 is left out, being repealed by 3 Geo. 4, c. 28.*

CAP. II.

Refer to 37 Geo.
 3, c. 4.

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.”

Passed the 7th of March, 1814.

Repealed by 59 Geo. 3. c. 11.

CAP. III.

52 Geo. 3 c. 6.
 50 Geo. 3, c. 22.
 ibid. c. 5.
 ibid. c. 31.

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

Act to impose a
 duty on certain
 articles.

passed in the fifty-second year of His Ma-
 jesty’s Reign, intituled “ An Act to impose
 “ a Duty on certain articles imported into
 “ this Province.”—An Act made and passed

Act to prevent
 the destruction of
 Moose on Grand
 Manan.

in the fiftieth year of His Majesty’s Reign,
 intituled, “ An Act to prevent the destruc-
 tion of Moose on the Island of Grand Man-
 an”—An Act made and passed in the fiftieth

Act for the better
 security of the na-
 vigation of certain
 Harbours in Nor-
 thumberland.

year of His Majesty’s Reign, intituled “ An
 “ Act for the better security of the Naviga-
 “ tion of certain Harbours in the County of
 “ Northumberland—And an Act made and

Act for the erec-
 tion of fences and
 gates in Queen’s
 and Sunbury.

passed in the fiftieth year of His Majesty’s
 Reign, intituled “ An Act to provide for the
 “ erection of Fences with Gates across High-
 “ ways

“ways 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.

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. 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,

I. *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 Partridgeso 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

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 Sept. to forfeit Ten shillings, to the use of the prosecutor.

or want of goods
hereon to levy
the fine, the offen-
der may be com-
mitted to Gaol.

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 chattles of the offender; and for the want of goods and chattles 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.

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 Licence to be granted for keeping an Inn, or Tavern, but at the General Sessions.

Licences to be for one year only.

Persons having retail Licences not to sell any quantity less than One Pint under the penalty of Twenty Shillings,

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.

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 strong or spirituous Liquors,
by

by retail, shall be allowed or permitted to sell the same under the quantity of One Pint; and if any such Licenced Person or Person 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 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

to be recovered
on complaint
made to a Justice
of the Peace.

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.

the Person who shall make complaint and sue for the same.

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.

IV. *And be it further enacted,* That if any Licenced Person shall die or remove from an 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

No Tavern Keeper, or Retailer, to sell any Spirituous Liquors to any Person except Travellers, on Sunday, under the penalty of forty Shillings.

If any Licenced Person shall die or remove,

the Justices at any General or Special Sessions may grant to the person succeeding to 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 authorize any person to sell Liquors in any other place than that in which

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.

they were first sold under such Licence.

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.

Act not to interfere with the rights given by the Charter to the Mayor of St John

VI. *And be it further enacted*. That this Act shall be in force Two Years, and thence until the end of the next Session of the General Assembly.

Limitation

Continued to 1827, and to the end of the then next Session, by sundry Acts viz :—56 Geo. 3. c. 19 60 Geo. 3. c. 4, and 4 Geo. 4, c. 2.

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 Commissioners and Surveyors
 “ of Highways within the several Towns and Parishes in this
 “ Province.”

Refer to 50 Geo. 3. c. 6 and 58. Geo 3, c. 8.

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

same

Continued for 2
years

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.

Further continued by 56 Geo. 3. c. 24, for two years, and to the end of the then next Session.

See further 58, Geo. 3, c. 3 & 3 Geo. 4, c. 22.

CAP. VIII.

41 Geo 3, c 3,

An Act in amendment of an Act intituled "An Act to repeal all the Acts now in force relating to Trespases, and for making new regulations to prevent the same."

Passed the 7th of March 1814.

Preamble.

WHEREAS doubts have arisen with respect to the power of the Justices in their General Sessions of the Peace for the Counties of York and Charlotte, to make sufficient regulations for the preventing Trespases by Horses and Swine in the Parish of Fredericton and Town of Saint Andrews in the said Counties.

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

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 Saint 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 Parish 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 Parish 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 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 Fredericton 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.

See further 2, Geo. 4. c. 14. & 3 Geo. 4, c. 13.

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 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—

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.

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

26 Geo. 3, c. 49.

47 Geo. 3, c. 4.

First section of the recited Act repealed.

Rates of wharfage

Decked Vessels & Wood Boats not exceeding Fifty

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 and not exceeding one hundred and fifty tons, the sum of three shillings and six-pence; for every vessel above 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 any every day such Vessel shall lie at any such Wharf or Wharves.

tons, one shilling and six-pence
 From fifty to One Hundred Tons, Two Shillings & Six-pence
 One Hundred to One Hundred & Fifty Tons, Three Shillings and Six-pence
 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 of 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

Preamble.

Great Seal of the Province : And whereas it is expedient that the Acts of any Commissioner or Commission of Sewers who may have been so appointed, should be rendered valid—

Be it therefore enacted by the President Council and Assembly, That all and every Act and 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.

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.

CAP. XI.

An Act to authorize 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.

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 St. Andrews, as a Glebe for the use, benefit and behoof of the Rector, Parson or Minister of the said Church for the time being

Preamble.

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 bounded and described as follows, to wit,---beginning at a stake about seven chains and eighty links from the South-west corner of the said Glebe Lot, on the line dividing the said Glebe from the Town Plat of Saint 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 Saint 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 South-
 “ west corner of Block lettered P, at the in-
 “ tersection of Parr-street and Harriot-street ;
 “ thence running North forty-five 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
 “ forty-five degrees West, six chains to the
 “ road leading to the said Town of Saint An-
 “ drews ; and thence South-easterly along
 “ the said road, about thirteen chains to the
 “ place of beginning, containing ten acres :”
 And whereas application has been duly made
 by the Lieutenant-General commanding
 His Majesty’s Forces, that the said agree-
 ment may be carried into effect---

*Be it therefore enacted by the President,
 Council, and Assembly, That the said Rec-
 tor, Church Wardens, and Vestry of Saint
 Andrews’ Church, in the Parish of Saint An-
 drews, be, and they are hereby authorized
 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 here-
 in-before first described piece of ground, to
 hold the same to His said Majesty, in right
 of*

Rector, Wardens
 and Vestry of St.
 Andrew’s Church
 in the Parish of St.
 Andrews, autho-
 rized 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.

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 solemniz-
 "ed within this Province." Refer to 5^a Geo.
3 c. 11.

Passed the 7th of March, 1814.

WHEREAS by an Act made and pass-
 in the fifty-second year of His Ma-
 jesty's Reign, intituled "An Act more effec-
 "tually to provide for the public Register-
 "ing of all Marriages solemnized within this
 "Province," it is enacted as follows, viz:— Preamble.
 "That from and after the first day of May
 "next all Marriages shall be solemnized in
 "the presence of two or more credible wit-
 "nesses besides the Minister or person who
 "shall celebrate the same; and that imme-
 "diately after the celebration of every Mar-
 "riage, a certificate thereof shall be made,
 "in which it shall be expressed that the said
 "Marriage was celebrated by banns or li-
 "cence, and if both or either of the parties
 "named by licence, 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 celebrat-
 "ing 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 cer-
 penalty therein named: And whereas it has
 in several instances happened that persons
 w w 3 solemnizing

solemnizing Marriage, have been prevented 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,

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.

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.

CAP. XIII.

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 Land or Meadows, within the said County.

Passed the 7th of March, 1814.

WHEREAS there are within the County of Westmorland, several large enclosed tracts of March, 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

Preamble.

Justices in their General Sessions upon application

of

of them at their General Sessions, be, and they are hereby authorized 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 chattles 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 of such Pound to receive and detain such Neat Cattle, Horses or Sheep, so found going at large or grazing as aforesaid, until

or by consent of the proprietors of one half of any tract of Marsh, &c may make regulations for the grazing and pasturing thereof.

Penalty 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,

and detained by the Pound keeper till the fine is paid.

the owner or owners shall pay to the use of the informer the aforesaid fine of five shillings for 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 the same.

if the owner shall neglect or refuse to pay the penalties and charges,

Poundkeeper, after ten days notice, to sell so many of the Cattle as may be necessary 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 pervious notice of the sale, is hereby authorized 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 to 1825, and to the end of the then next Session, by sundry Acts viz :—56 Geo. 3. c. 19
60 Geo. 3. c. 4, and 4 Geo. 4, c. 4.*

CAP. XIV.

An Act to give full effect to, and to prevent the evasion of an Act, Refer to 53 Geo. 3. c. 9. Since Expired.
 intituled "An Act for the further increase of the Revenue of
 " this Province."

Passed the 7th of March, 1814.

This Act was continued to the 1st April 1820, by the following Acts viz :—56 Geo. 3, c. 29, 57 Geo. 3, c. 2, and 58 Geo. 3, c. 14, when it Expired.

CAP. XV.

An Act to enlarge the limits of the Parishes of St. Patrick and See 26 Geo 3, c. 1. § 4.
 St. George, in the County of Charlotte.

Passed the 7th of March, 1814.

I *BE* it enacted by the President, Council and Assembly, That all that tract of Boundaries of St. Patrick described.
 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.

II. *And be it further enacted,* That all that tract of Land in the County of Charlotte, Boundaries of St. George.
 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

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.

CAP. XVI.

Refer to 50 Geo.
3, c. 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."

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 effectually repairing the Streets and
" Bridges in the City and County of St. 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
years

Further continued by 56 Geo. 3. c. 25, for two years, and to the end of the then next Session.

See further 58, Geo. 3, c. 9 & 3 Geo. 4, c. 18.

CAP. XVII.

Refer to 26 Geo.
3, c. 1, § 9.

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 subdividing them
" into Towns or Parishes."

Passed the 7th of March, 1814.

Preamble.

WHEREAS the Towns or Parishes of New-Castle and Alnwick, 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 ascertaining and confirming the
" Boundaries of the several Counties within
" this

“this Province, and for subdividing them “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

Parishes of New-Castle and Alnwick described.

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

New-Castle.

River Miramichi ; 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 ; Northeasterly 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 Barto-

bogue Island : And the said Town or Parish

Alnwick.

of Alnwick to be bounded Westerly by the said Town or Parish of New-Castle ; South-

erly and Easterly by the Bay of Miramichi and the Sea shore ; and on the North by the

said

said

said 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

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 Herron Islands and the Islands in the said Restigouche River ; and Southwesterly by the said County line.

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.

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.

*Further continued by 56 Geo. 3, c. 29, and 57
Geo. 3, c. 2. [All Since Expired.]*

Refer to 47 Geo.
3. c. 10.
Since Expired.

CAP. XIX.

An Act for laying additional Duties on certain articles imported
into this Province.

Passed the 7th of March, 1814.

CAP. XX.

An Act to authorize the Justices of the Peace for the County of
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. 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 Servi-
ces 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.

Anno Regni GEORGII III.

Britanniarum Regis,

Quinquagesimo Sexto.

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, and so forth; 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 St. John.

Passed the 7th of March, 1816.

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--- Preamble.

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, Mayor, &c. empowered to appoint additional Constables.

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.

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 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

Constable neglecting or misbehaving in the execution of his duty, made subject to a fine of 40s.

the offender's goods and chattles, rendering the overplus (if any) after deducting the costs and charges of prosecution, to the offender.

CAP. II.

An Act to increase the number of Firemen in the City of Saint John. Refer to 28 Geo. 3. c. 3, and 5^A Geo 3, c. 17.

Passed the 7th of March, 1816.

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 "that may happen within the City of Saint "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,

Preamble.

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.

Number of Firemen extended to sixty.

II. *And be it further enacted,* That the said Firemen shall and may during their continuance in the office of Firemen, have,

Privileges of Firemen during their continuance in office.

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.

CAP. III.

Refer to 39 Geo. 3. c. 5. An Act in amendment of an Act, intituled "An Act for regulating the Fisheries in the County of Northumberland."

Passed the 7th of March, 1816.

Preamble.

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 Fisheries there is rendered of but little use —For remedy whereof,

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 sixty-five fathoms beyond forty-fathoms from low water ; any thing in the said recited Act to the contrary notwithstanding.

Net to be set in front of Lot No. 57, may extend 65 fathoms beyond 40 fathoms from low-water.

II.

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.

To be considered as a public Act.

Limitation.

Continued to 1820, by 60 Geo. 3, c. 4, for 3 years, See further 4 Geo. 4, c. 23—continued except where therein amended to 1828, and to the end of the then next Session.

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 decay.”

Passed the 7th of March, 1816.

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 Majesty’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 severally and respectively repealed.

4th Sect. of the Act, 50th Geo. 3, and 4th Sect 52d Geo. 3, repealed.

The whole of this Act repealed by 60 Geo. 3, c. 21, § 4.

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.

This Act repealed by 6 Geo. 4. c. 18.

Saving the right of recovery of such Fines Penalties and forfeitures as may have been incurred under and by virtue of the same Act.

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.

WHEREAS a negotiation has been entered into and concluded upon by and between William Botstord, James Frazer, and John Allen, Esquires, a Committee of the House of Assembly of the one part and Colonel Harris William Hailes, the Agent

Preamble.

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 a 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 SMITH, the President and Commander-in-Chief of the Province, as a residence for, and the accommodation of 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 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,

Governor and Trustees of the College of New-Brunswick, empowered to convey.

I. *Be it enacted by the President Council and Assembly,* That the said Governor and Trustees of the College of New Brunswick, 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's 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

lease 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.

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 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, body or corporate and politic, except the said Lieutenant-Governor CARLETON and His Heirs, and the said Governor and Trustees of the College of New-Brunswick.

Deeds to be good and effectual.

IV. *And be it further enacted, and declared,* That the same Premises shall be from and after the transfer and conveyance thereof as aforesaid,

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

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.

Commissioners appointed to superintend the repairs.

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 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.

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. See 35 Geo 3, c. 2

Passed the 7th of March, 1816.

WHEREAS it has become expedient P. camble.
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—

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: Two additional Terms for the sittings of the Court
*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. *Altered to 2d Tuesday in June by 2, Geo. 4. c. 11.

Remaining part of this Act Obsolete.

See further 2 Geo. 4, c. 11.

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— P. camble.

Persons breaking
or cutting down
any Sea-bank or
Dyke guilty of
Felony.

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 cutting
off, drawing up
or removing any
Piles Pickets &c.
placed for the se-
curing any Marsh
Land, &c.

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 otherwise 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 Chattles, rendering the overplus, (if any) to such offender; and for want of sufficient Goods and Chattles, the said Jus-
tices

Destroying any
Trees or Bushes
reserved or plan-
ted for the preser-
vation of Interval
banks, shall forfeit
and pay a fine
not less than £10
nor more than
£20.

To be recovered
before two Jus-
tices of the Peace
and levied by war-
rent of distress &
sale.

For want of goods
and chattles, of-
fender to be com-
mitted to Gaol,
not less than one,
nor more than
two months.

tices 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 Limitation. Four Years, and from thence to the end of the next Session of the General Assembly.

Made perpetual by 60, Geo. 3, c. 3.

CAP. X.

An Act to constitute the Island of Grand-Manan and its appurtenances, in the County of Charlotte, into a distinct Town or Refer to 26 Geo. 3 c. 1. § 4 Parish.

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 Preamble. 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—

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 Justices to appoint annually Parish Officers, as for the other Towns or Parishes within the County, the

Who shall be sworn, and be liable to the like penalty for neglect or refusal, as other Town or Parish Officers.

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.

CAP. XI.

An Act to explain and amend an Act, intituled " An Act for erecting a Parish in the City of Saint John, and for incorporating 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.

WHEREAS doubt have arisen whether the provisions of an Act, made and passed in the twenty-ninth year of His Majesty's Reign, 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," 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,

Preamble.

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

in-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 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 Saint 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

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.

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 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 which 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,

The Act 41 Geo. 3, c. 9.
The Act 34 Geo. 3, c. 9 continued and made perpetual.

Reign, intituled "An Act for preserving
 " the Bank of the River Saint John, in front
 " of the Parish of Lincoln, in the County of
 " Sunbury;" and an Act, made and passed
 in the thirty-fourth year of His Majesty's
 Reign, intituled "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, intituled "An Act Refer to 50 Geo.
 " to explain and amend the Laws now in force for regulating 3. c. 22.
 " the exportation of Fish and Lumber."

Passed the 11th of March, 1816.

Repealed by 59 Geo. 3. c. 11. § 1.

CAP. XIV.

An Act in addition to an Act, intituled "An Act for erecting a Refer to 53 Geo.
 " Court-House and Gaol in the County of Northumberland." 3. c. 9.

Passed the 11th of March, 1816.

See further 58, Geo. 3. c. 10.

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.

WHEREAS the Education of Youth Preamble.
 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---

I. *Be it therefore enacted by the President
 Council and Assembly, That a Public Gram-
 mar School be, and the same is hereby esta-
 Vol. I. Y Y blished*

Grammar School
 established in St.
 Andrews.

blished in the Town of Saint Andrews, in the County of Charlotte.

Corporation appointed.

Rector of St Andrews to be President.

To have perpetual succession.

And may hold real Estate not exceeding £1000 per annum.

Board of Directors to procure a place for a School House,

II. *And be it further enacted*, That the Rector of Saint Andrew's Church, in the Parish of Saint Andrews, for the time being, together 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 incorporated by the name of the President and Directors of the Public Grammar School in 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.

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

ing

ing 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.

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 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.

Board how to be summoned.

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.

Vacancies in the Corporation to be filled.

VI. *And be it further enacted,* That the said President and Directors shall hold Public visitations and examinations of the said School,

Public visitations to be held twice a year.

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 Mas-
ter.

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 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 £200 to-
wards procuring
a Building.

Board to be ac-
countable to the
Legislature.

Annual Grant to
cease when the
Funds amount to
£600 per annum.

See further 60 Geo. 3, c. 2.

CAP. XVI.

An Act to exclude ignorant and unskilful Persons from the Practice of Physic and Surgery.

Passed the 11th of March, 1816.

I *BE* 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 deemed 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.

Not lawful for Persons not duly qualified, to practice Physic or Surgery,

Or receive Fees.

Who shall be considered duly qualified.

Licences may be granted by the Governor after due examination.

II. *And Provided always,* That the Governor or Commander-in-Chief for the time being, may, and he is hereby authorized to

Persons who have been established in Practice for 7 years, may be licensed.

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 Physi-
cians 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

Mayor, Alder-
men, &c. to ap-
point Watchmen,

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.

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 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

Common Council to determine the sum to be raised.

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 Common Council.

Watchmen to apprehend disorderly Persons, and carry them before the Mayor.

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.

III. *Provided always, and it is hereby declared,* That in case any person or persons 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.

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

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.

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 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.

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

Deficiencies in the assessment to be made up out of the next year's assessment.

Overplus money to be credited in next assessment.

Mayor, Aldermen, &c. to appoint assessors.

Penalty on assessors for refusal or neglect.

qualified

lified 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 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.

Others to be appointed instead of assessors refusing to act.

Collectors to pay money into the hands of the Chamberlain.

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.

VIII.

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.

Continued to 1828 and to the end of the then next Session by sundry Acts viz :—60 Geo. 3, c. 4, and by 4 Geo. 4, c. 3.

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. See 26 Geo 3, c. 42

Passed the 11th of March, 1816.

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 : Preamble.
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

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

Justices at a General or Special Sessions, may make an assessment not exceeding £600.

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 and paid by virtue of an Act, made and Passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act for assessing, collecting and levying County rates," or any other act now or hereafter to be made for the like purpose.

Mode of collection

See further 58 Geo. 3. c. 8.

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 forty-fourth year of the Reign of His present Majesty, intituled "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, intituled "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,
See further 60 G.
3, c. 4, and 4 G.
4, c. 1.

54 Geo. 3, c. 13
See further 60 G.
3, c. 4 and 4 G.
4, c. 4.

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.

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---

Preamble:

£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 St. John.

See 45 Geo. 3. c. 12, § 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. 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,

Governor with advice of the Council, to appoint Trustees and Directors.

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

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.

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 discription aforesaid.

Duties & powers
of Trustees and
Directors.

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

Trustees and Di-
rectors to procure
Masters.

Make Bye-Laws.

To be approved
by the Comman-
der-in-Chief.

Tuition to the said Schools : *Provided al-ways*, 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.

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 visi-
tations.

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, 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

Free Scholars not
exceeding eight,
may be admitted.

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.

7th & 8th Sections repealed by 4th Geo. 4. c. 24.

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 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.

Trustees to be accountable to the Legislature.

See further 4th Geo. 4, c. 24, in lieu of the 7th and 8th Sections of the foregoing Act.

CAP. XXII.

An Act for the establishment, regulation, and improvement of the Great Roads of Communication through the Province.

Repealed by 3 G. 4. c. 31.

Passed the 11th of March, 1816.

CAP. XXIII.

An Act to encourage the establishment of Schools in this Province.

Passed the 16th of March 1816.

[*Expired.*]

CAP. XXIV.

An Act further 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."

Passed the 16th of March, 1816.

50 Geo. 3, c. 6.

Continued for two years.

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 for two years, and until the end of the then next Session of the General Assembly.

See further 58, Geo. 3, c. 8 & 3 Geo. 4, c. 22.

CAP. XXV.

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."

Passed the 16th of March, 1816.

50 Geo. 3, c. 16.

Continued for two years.

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 General Assembly.

See further continued and amended 58 Geo. 3, c. 9.

CAP. XXVI.

An Act to encourage the Fisheries of this Province.

Passed the 16th of March, 1816.

This Act has expired; See new Act thereon 3 Geo. 4. c. 33.

CAP. XXVII.

An Act to erect into a separate Parish all the Lands in Queen's County, in the rear of the Parish of Wickham and Waterborough. Refer to 26 Geo. 3. c. 1, § 6.

Passed the 16th of March, 1816.

1. **B**E 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. Parish to be called Brunswick.

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 empowered to appoint Parish officers. Justices may appoint officers for the present year, at a special Session.

And whereas the boundary lines of the said County have not yet been run out, and Inhabitants of New-Canaan to be considered as belonging to the Parish of Brunswick.

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 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; anything 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.

Preamble.

WHEREAS sundry inhabitants of the 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 monee 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 uses,

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.

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,

Minister and Elders when duly chosen and appointed and the Minister approved and licensed by the Governor, to be proprietors of the Lots whereon the building is erected,

Saving the rights of the king and of others.

and of all bodies Politic 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.

See further 58 Geo. 3, c. 13.

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.

All since expired together with this Act.

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 in Plaster of Paris, otherwise called Gypsum.

Passed the 16th of March, 1816.

[*Expired.*]

Anno

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, and so forth; 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, (Four months.)

Passed the 17th of February, 1817.

(Expired.)

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.

All the Acts by this Act continued have since Expired.

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.

Expired.

(See new Act thereon, 3 Geo. 4, c. 33.)

CAP.

bushels of were really and truly raised on the Land occupied by me, and are actually 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.

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 all such claims as they shall then and there allow, and transmit the same to the Secretary of the Province.

Justices in Sessions, after six weeks notice, to determine claims for Bounties, on oath of the party, and certificate,

And transmit certificates of claims allowed to the Secretary's office.

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

Bounties to be paid by the Governor's Warrant, in favour of the Sessions, and by them distributed.

* Vide addition made to the Oath by 60 Geo. 3, c. 8, § 3.

and with the advice and consent of His Majesty's Council, the amount of such Schedules in favour of the General or Special Sessions, which shall certify the same, and to be by them paid and distributed to the respective claimants.

No Bounties to be paid until 1818.

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.

Limitation.

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. *Explained, amended and continued to 1825, and to the end of the then next Session, by 60 Geo. 3, c. 8.*

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.

Repealed by 3 Geo. 4. c. 28. § 1.

CAP. VII.

An Act to provide for the necessities of the Province, occasioned by the failure of the late Crops.

Passed the 22d of March, 1817.

[*Expired.*]

Vide 2 Geo. 4, c. 17.

CAP. VIII.

An Act to regulate the exportation of dutiable articles from and out of this Province.

Passed the 22d of March, 1817.

Expired.

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.

I **B**E 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.

Governor, with the advice of the Council, to appoint Firewards,

Who shall be sworn before a Justice of the Peace, and certificate endorsed on the warrants of appointment, without fee.

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 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.

Firewards on duty to carry a Staff and Speaking-trumpet

III. *And be it further enacted,* That whenever any Fire shall break out in the said Towns

In case of Fire, the Firewards, jointly or separately, to com-

mand assistance
for extinguishing
Fires and remov-
ing Goods, &c.

To appoint Per-
sons to take care
of Goods,

And to require
assistance to pre-
vent 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 per-
sons having
charge of fire en-
gines.

Persons disobey-
ing orders of the
Firewards, to for-
feit £3, to be re-
covered before a
Justice of the
Peace, on the oath

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 seperately, 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 the 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, 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.

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

fore

fore 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 chattles ; 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.

of a Fireward or other credible witness, and levied by distress and sale.

For want of distress, offender to suffer twelve day imprisonment.

Penalty to the use of the Poor.

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.

Firewards may compel Persons present at a Fire, to form lines for conveyance of water.

VI. *And be it further enacted*, That the Firewards in the several and respective Towns of Fredericton and St. 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

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.

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.

Persons disobeying directions of Firewards, to forfeit £5, to be recovered and applied as before.

Limitation.
made perpetual
by 59 Geo. 3, c.
2.

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

See further 2 Geo. 4. c. 2 ; 3 Geo. 4, c. 17, and 4 Geo. 4, c. 20, for the establishing Fire Companies.

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.

(Repealed by 3 Geo. 4, c. 31.)

CAP. XI.

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

Passed the 22d of March, 1817.

(Obsolete.)

Anno

Anno Regni GEORGE III.

Britanniarum Regis,

Quinquagesimo Octavo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the twentieth day of January, Anno Domini, one thousand eight hundred and eighteen, in the fifty-eighth 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 Second Session of the Sixth General Assembly convened in the said Province.

CAP. I.

An Act for altering the terms of holding the Courts of General Sessions of the Peace, and Inferior Courts of Common Pleas, in the County of Westmorland. refer to 4th Geo. 3. c. 3.

Passed the 11th of March, 1818.

WHERE AS the times for holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in the County of Westmorland, have been found inconvenient, for remedy thereof, Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* Time of holding the Courts. That the said Courts shall be hereafter holden on the third Tuesday, instead of the second Tuesday in June, in each and every year.

II. *And be it further enacted,* No process to abate by reason of the alteration. That no process shall abate, or other business of what nature or kind soever, be discontinued by

by reason of the alteration of the said term, but shall and may be proceeded upon, heard and determined at the time herein appointed, in the same manner as they might have been proceeded upon, had no alteration been made.

See further 4 Geo. 4, c. 28.

CAP. II.

An Act to prevent the destruction of the Cod and Scale Fisheries, in the Bays and Harbours of this Province.

Passed the 11th of March, 1818.

Preamble.

WHEREAS the valuable and extensive Cod and Scale Fisheries of Grand Manan, and other parts of this Province, have been greatly injured by throwing into the Sea, the heads and other offal of such Fish, for the prevention whereof,

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That from and after

Persons throwing on or about the Coast of Grandmanan, or other place where Cod or Scale Fish are usually taken; any Heads, Bones or Offal of the Fish, liable to a fine not less than 10s, nor more than £5.

the passing of this Act, any person or persons, who shall throw on or about the Coasts of Grand Manan, or into any other Bay or Harbor of this Province, at such place or places, where such Cod or Scale Fish are usually taken, from or out of any Boat, Bark, or Vessel, any Heads Bones or other Offal of the fish they may take, purchase or bring from elsewhere, every person so offending shall forfeit and pay a fine, not less than ten shillings, and not exceeding five 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 one of His Majesty's Justices of the Peace, for the County where, or next adjacent

To be recover'd with Costs, before a Justice of the Peace, and levied by warrant of distress.

cent

cent to which 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 Justice is hereby required to commit such offender to the common Gaol of the County wherein, or next adjacent to which, such offence shall be committed, there to remain for a term not less than three days, nor exceeding twenty days.

For want of Goods, offender to be committed to Gaol.

II. *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.

Limitation.

Made perpetual by 3, Geo. 4, c. 2.

CAP. III.

An Act further to continue and amend an Act, intituled "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province."

Passed the 11th of March, 1818.

I **B**E it enacted by the Lieutenant-Governor 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, and the same is hereby further continued excepting wherein the same is hereby altered and amended, for four years, and thence to the end of the next Session of the General Assembly.

Act of 50 Geo. 3, c. 6, continued for four years.

II. *And be it further enacted,* That each and every person who shall refuse or neglect to work when called upon, agreeably to the directions given in the eighteenth section of the before mentioned Act, shall forfeit and pay for each and every day he shall so refuse, or neglect to appear and work with his oxen or horses, as is therein required, the sum of eight shillings, to be recovered in the same manner as is prescribed in, and by the said Act, in case of refusal or neglect to work on the Highways, and to be applied by the Commissioners towards breaking the winter Roads.

Surveyors in the intervening time between the finishing the labour in one year and commencing the same in the next, to repair the Roads and Bridges, as occasion may require,

And forthwith to summon Inhabitants to labour.

Persons refusing to appear and labour when summoned, to forfeit 4s. per diem.

III. *And be it further enacted,* That during the intervening time between the finishing the Statute labour in any one year, and commencing the same in the next succeeding year, it shall be the duty of the Surveyors of Highways from time to time as occasion may require, to remove all trees and wind-falls, from, and out of the Roads, and to repair all Bridges, and all such parts of the Highways that shall require reparation and amendment, within their respective Districts, for which purpose they shall have full power and authority, and they are hereby required forthwith to summon such and so many of the Inhabitants within the same District, as they shall judge necessary to perform the same, which said Inhabitants shall furnish themselves with such tools as the said Surveyors shall direct, and in case of refusal or neglect to appear and labor when so summoned, every person so offending shall forfeit and pay the sum of four shillings for each and

and every day he shall so neglect to appear and labor, together with costs of suit to be recovered in like manner, as is prescribed in, and by the ninth section of the Act, to which this is an amendment, and to be applied by the Commissioners of Highways, when so received, towards the repair of the Roads, within their respective Districts, and all such labor so to be performed, shall be accounted for to the person performing the same, and be deducted from, and allowed out of the amount of Statute labor, requiring of such person, to be performed the next ensuing year, upon his producing a Certificate from a Commissioner of Highways, of having performed such service as aforesaid.

To be recovered as prescribed by the 9th Section of the recited Act,

And applied towards the repair of the Roads.

All such extra labour to be accounted for to the Person performing it, and allowed out of the next year's work.

IV. *And be it further enacted*, That any person keeping a Team, shall when called upon by the Surveyor, furnish the same for doing any of the services herein-before required to be performed in like manner, and under and subject to the same penalty for neglect or refusal as is provided in, and by the tenth section of the herein-before recited Act, for which labour of Teams the owners thereof shall have the like credit as is to be given by the next preceding section of this Act.

Persons keeping Teams, to furnish the same when called on, as is provided by the 10th Section of the recited Act.

V. *And be it further enacted*, That it shall be the duty of the several and respective Commissioners and Surveyors in the several and respective Towns and Parishes in this Province, to prosecute to conviction, all persons, offending against any of the Provisions

Duty of the Commissioners to prosecute offences against the Highway Law.

of this Act, or the Act to which this is an amendment.

Continued to 1824 and to the end of the then next Session, by 3 Geo. 4, c. 22.

CAP. IV.

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

Passed the 11th of March, 1818.

WHEREAS it is often found difficult for travellers, in passing to the different parts of the Province, to cross Rivers and Creeks, for want of proper establishments of Ferries,

Preamble.

Be it therefore enacted by the Lieutenant-Governor Council and Assembly, That the Justices in their General Sessions of the Peace, for each County, shall be, and are hereby authorized and empowered, to establish such Ferries over Rivers, Bays and Creeks, within their respective Counties, as may be by them thought necessary in places where the same are not already established by Grants from the Crown. *Provided always,* This this Act, or any thing therein contained, shall not extend, or be construed to extend to restrain, or any wise affect the right of the King's Majesty, His Heirs and Successors, to make any Grant or Grants, of any Ferry or Ferries, in places where the same may be found necessary. *Provided also,* That this Act shall continue, and be in force for five years, and from thence to the end of the next Session of the General Assembly.

Justices in the several Counties, may establish Ferries where none are already established, by Grants from the Crown.

Not to restrain or affect the King's Right to make Grants.

Limitation.

Continued to 1828, and to the end of the then next Session, by 4 Geo. 4, c. 5.

CAP. V.

An Act further to continue an Act intituled, "An Act to provide
 " for the erection of Fences with Gates across Highways, lead-
 " ing through Intervale Lands, in Queen's County and the
 " County of Sunbury, where the same may be found necessary,"
 and to extend the Provisions of the same to King's County.

Passed the 11th of March, 1818.

I. **B**E it enacted by the Lieutenant-Governor,
 Council and Assembly, That an Act
 made and passed in the Fiftieth year of the
 Reign of His present Majesty, intituled "An
 " Act to provide for the erection of Fences
 " with Gates across Highways leading
 " through Intervale Lands, in Queen's Coun-
 " ty and the County of Sunbury, where the
 " same may be found necessary," be further
 continued, and the same is hereby further
 continued for the term of four years, and un-
 til the end of the then next Session of the
 General Assembly.

50th Geo. 3d.
 c. 31. continued
 for four years.

II. *And be it further enacted,* That all and
 singular the Provisions of the said herein-
 before recited Act, be extended to King's
 County, and the same are hereby extended
 thereto, in as full and ample manner, to all
 intents and purposes, as if the said County
 had been named in the same Act.

Provisions of the
 recited Act ex-
 tended to King's
 County.

*Further continued to 1827 and to the end of the
 then next Session, by 3 Geo. 4, c. 7.*

CAP. VI.

An Act to enable the Lieutenant-Governor or Commander-in-Chief
 of this Province, for the time being, to suspend upon the con-
 tingency, and in the manner therein mentioned, the further opera-
 tion of the Act, "for the encouragement of the Trade of this
 " Province, in Plaster of Paris, otherwise called Gypsum."

Passed the 11th of March, 1818.

*Refer to 56 Geo. 3, c. 32, which has expired, and
 therefore this Act is of course no longer necessary.*

CAP.

CAP. VII.

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

Passed the 11th March, 1818.

I. **BE** it enacted by the Lieutenant-Governor, Council and Assembly, That no Vessel of any kind whatsoever, open boats and canoes excepted, shall at any time, anchor on any of the beds of Oysters, in any bay or harbour within the Counties of Westmorland and Northumberland, nor shall any person whatever, ground any Vessel on any Oyster Bed, within any of the said Bays or Harbours; for the purpose of taking Oysters, except open Boats and Canoes, and if any person or persons whosoever shall anchor any Vessel as aforesaid, or shall ground any Vessel on such Oyster Bed, for the purpose of taking Oysters, every person so offending, shall incur the penalty of sixty shillings for every offence.

No Vessel, other than open Boats and Canoes, to be anchored on any Oyster Bed, for the purpose of taking Oysters, under the penalty of 60s.

II. *And be it further enacted,* That all and every person or persons taking Oysters in the winter season through the Ice, by Tongs, or otherwise, shall immediately convey and return all Shells, Stones or Rubbish they may rake or take up, into the water, and not suffer the same to remain on the Ice, and if any person or persons shall not convey and return into the water, such Shells, Stones or Rubbish, within the space of two hours, every person so neglecting, shall for every offence, incur the penalty of twenty shillings.

Persons taking Oysters in Winter through the Ice, to return all Shells and Rubbish into the water, within two hours, under the penalty of 20s.

III. *And be it further enacted,* That the aforesaid penalties and every of them, shall

Penalties to be recovered by action of debt, be-

and may be sued for, in an action or actions of debt, in a summary way, before any Justice of the Peace, in the said Counties, respectively where the offence shall be committed, and when recovered, one half of such penalty, shall be to the use of the person suing and prosecuting for the same, and the other half, to the use of the Poor of the Parish, where the offence may be committed, and paid over accordingly.

fore a Justice of the Peace, half to the prosecutor, remainder to the use of the Poor.

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

Limitation.

See further 4 Geo. 4, c. 16.

CAP. VIII.

An Act in amendment of an Act intituled, "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."

Refer to 56 Geo. 3, c. 18.

Passed the 11th of March, 1818.

WHEREAS by an Act made and passed in the Fifty-sixth year of His Majesty's Reign intituled, "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," the said Justices are authorized and empowered at any General Sessions of the Peace, or at any Special Sessions for that purpose expressly convened and holden, to make a Rate and Assessment of any sum not exceeding 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

Preamble.

Town

Town of Fredericton; and whereas since the passing of the said Act, the said Justices have agreed for the purchase of a building already erected, to be used as a Court House for the said County, and it is expedient that the said sum so to be assessed, should be applied to the making of the said purchase for the purpose aforesaid.

Justices may issue their warrants for assessing the sum of £600, by such portions as may be necessary, and apply the same to the purchase of the building agreed for by them.

Be it therefore enacted by the Lieutenant-Governor Council and Assembly, That the said Justices of the Peace for the said County, be, and they are hereby authorized and empowered at any General Sessions of the Peace, to be hereafter holden to issue their warrants for assessing the said sum of six hundred pounds, by such portions as they in their discretion shall from time to time think necessary, or as shall be required to fulfil the said agreement so by them made as aforesaid, which said sum of six hundred pounds and the several parts and portions thereof so to be Assessed, shall be assessed, levied, collected and paid as in and by the said recited Act is directed, and when collected, shall be applied to the purchase of the said building so agreed for by the said Justices, as aforesaid.

CAP. IX.

An Act further to continue and to amend "An Act, to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."

Passed the 11th of March, 1818.

I. **BE** it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fiftieth year of the Reign of His present Majesty, intituled "An Act to provide for the more effectually repairing

Act 50 Geo 3, c. 16, continued for four years.

“repairing the Streets and Bridges in the “City and County of Saint John,” be, and the same is hereby further continued excepting wherein the same is hereby altered and amended, for four years, and thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted,* That each and every person who shall refuse or neglect to perform the services required of him by breaking Roads in the Snow with his Horses, Oxen or Team, shall forfeit and pay for each and every neglect or refusal, the sum of eight shillings, to be recovered with costs, in the same manner as other fines are made recoverable for neglect to labour on the Highways, and to be applied by the Surveyors, when recovered, towards breaking the Winter Roads.

Penalty on Persons refusing or neglecting to break Roads in the snow.

III. *And be it further enacted,* That during the intervening time between the finishing of the Statute labour in any one year, and commencing the same in the next succeeding year, it shall be the duty of the Surveyors of Highways, from time to time, as occasion may require, to remove all Trees and Windfalls, from and out of the Roads, and to repair all Bridges and all such parts of the Highways that shall require reparation and amendment, within their respective Districts, for which purpose they shall have full power and authority, and they are hereby required forthwith to summon such and so many of the Inhabitants within the same Districts, as they shall judge necessary to perform the same, which said Inhabitants shall furnish themselves

Surveyors from time to time as occasion may require, to summon the Inhabitants to repair the Roads & Bridges.

Persons refusing to appear and labour to forfeit 4s per diem,

To be recovered as directed in recited Act, and applied to the repair of Roads.

Labour to be accounted for and deducted from next years work.

Persons keeping Teams to furnish the same when required.

Duty of Surveyors to prosecute offences against this and the recited Act.

themselves with such Tools as the said Surveyors shall direct; and in case of refusal or neglect to appear and labour when so summoned, every person so offending, shall forfeit and pay the sum of four shillings for each and every day he shall so refuse or neglect to appear and labour, to be recovered with costs in like manner, as is prescribed in and by the said recited Act, and to be applied, when received, towards the repair of the Roads, within their respective Districts; and all such labour so performed, shall be accounted for to the person performing the same, and be deducted from and allowed out of the amount of labour required to be performed the then next ensuing year.

IV. *And be it further enacted*, That any person keeping a Team, shall when called upon by the Surveyor, furnish the same for doing any of the services herein before required to be performed in like manner, and under and subject to the same penalty for neglect or refusal, as is provided by the said herein before recited Act.

V. *And be it further enacted*, That it shall be the duty of the several Surveyors in the several and respective Towns and Parishes in the County of Saint John, to prosecute to conviction all persons offending against any of the Provisions of this Act, or the Act to which this is an amendment.

Continued to 1824 and to the end of the then next Session, by 3 Geo. 4, c. 18.

CAP. X.

An Act in further addition to an Act intituled, "An Act for erecting a Court-House and Gaol, in the County of Northumberland," and of the Act in addition thereto.

Refer to 52 Geo. 3, c. 9, and 56 Geo. 3, c. 14

Passed the 11th of March, 1818.

WHEREAS by an Act made and passed in the Fifty-second year of the Reign of His present Majesty, intituled "An Act for erecting a Court-House and Gaol, in the County of Northumberland," the Justices of the Peace for the said County, were authorized and empowered to raise by Assessment, the sum of three hundred pounds in addition to the like sum of three hundred pounds before then ordered to be Assessed, for the purpose of erecting a Court-House and Gaol in the said County: And whereas the said Justices of the Peace were, by an Act made and passed in the fifty-sixth year of His present Majesty's Reign, intituled, An Act in addition to an Act, intituled, An Act for erecting a Court-House and Gaol in the County of Northumberland, authorized and empowered to raise by Assessment, a further sum not exceeding six hundred pounds, for building and finishing the said Court-House and Gaol in the said County: *And whereas* the said sums have been found insufficient for these purposes,

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the Justices of the Peace for the said County of Northumberland, in their General Sessions, or the major part of them, are hereby authorized and empowered to raise by Assessment, within the said County, such further sum

Justices may make an Assessment, not exceeding £500.

sum as may in their opinion be necessary, not exceeding the sum of five hundred pounds.

II. *And be it further enacted*, That such further sum so decreed by the said Justices, as necessary for the aforesaid purpose, shall be assessed, levied, collected and paid in the same manner in all respects as the said sums mentioned in the said herein-before recited Acts, and under and subject to the same penalties for every delinquency as are made and provided in and by the same Acts, to be recovered and applied as therein provided. *See further 2 Geo. 4, c. 9. as to repairs of Court-House and Gaol.*

To be assessed,
levied, collected
and paid as directed
by the recited
Acts.

CAP. XI.

An Act to continue several Acts of the General Assembly that are near expiring.

Passed the 11th of March, 1818.

BE it enacted by the Lieutenant-Governor, 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 ;" An Act made and passed in the Fifty-sixth year of His Majesty's

52 Geo. 3, c. 6.

50 Geo 3, c. 22.

50 Geo. 3, c. 5.

ty's Reign, intituled, " An Act to encourage
 " the Fisheries in this Province ;" and also an
 Act made and passed in the Fifty-seventh
 year of His Majesty's Reign, intituled, " An
 " Act to amend and explain an Act intituled,
 " An Act to encourage the Fisheries in
 " this Province," be, and the same Acts are
 hereby continued and declared to be in
 force for four years, and from thence to the
 end of the next Session of the General As-
 sembly.

36 Geo. 3, c. 26,

57 Geo. 3, c. 3,
 both since expir-
 ed.

Continued for
 four years.

CAP. XII.

An Act further to provide for the security of the City of Saint
 John, against the ravages of Fire. Refer to 52 Geo.
 3, c 16.

Passed the 11th of March, 1818.

BE it enacted by the Lieutenant-Governor,
 Council and Assembly, That no Street,
 Way, Lane or Alley, shall be hereafter laid
 out and established as a Public Street and
 Highway, within the said City, unless the same
 shall be of the width of fifty feet at least, and
 that no Dwelling-house, Store or other Build-
 ing of what nature or kind soever, shall be
 built, erected or set up on any Street, Way,
 Lane or Alley, public or private, hereafter
 to be laid out or thrown open for use,
 within the said City, that shall not be of the
 width of fifty feet as aforesaid.

No Street or
 Way to be laid
 out as a Public
 Street and High-
 way, less than 50
 feet in breadth.

No Building to
 be erected on any
 Street or Way to
 be hereafter laid
 out or thrown o-
 pen for use, that
 shall not be 50
 feet in width.

Provided always, That nothing herein con-
 tained, shall extend or apply unto, or be con-
 strued to extend or apply unto any Streets
 or Ways within the said City, already actu-
 ally laid out or thrown open for use, and on
 which any Building or Buildings are actually
 built or erected.

Not to extend to
 Streets or Ways
 already laid out
 or thrown open
 for use, and on
 which Buildings
 are actually erec-
 ted.

II. *And be it further enacted,* That each
 and

Every Building that shall be erected on any Street or Way to be hereafter laid out or thrown open that shall be less than 50 feet in width, to be deemed a common nuisance.

and every Dwelling-house, Store or other Building that shall or may be erected, built or set up, within the said City, by any person or persons whomsoever, on any Street, Way, Lane or Alley hereafter to be laid out, or thrown open for use, as aforesaid, and which shall be less in width than fifty feet at least, as aforesaid shall be deemed and adjudged a common nuisance.

See further 59 Geo. 3, c. 4, and c. 5.

CAP. XIII.

Refer to 56 G. 3, c. 28. An Act to extend the powers of the Minister and Elders of the Kirk of Scotland, in the City of Saint John.

Passed the 11th of March, 1818.

Preamble.

WHEREAS by an Act made and passed in the Fifty-sixth year of the Reign of His present Majesty intituled, “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,” the said Minister and Elders are created a Body politic and corporate, with perpetual succession, by the name of the “Minister and Elders of the Kirk of Scotland, in the City of Saint John.”

And whereas, a Minister has been duly chosen and appointed and approved and licenced, and Elders have been duly chosen and appointed according to the directions of the before mentioned Act.

And whereas, it is deemed expedient for the better support and maintenance of the Building

Building erected in the said City, for a place of public worship, as mentioned in the said Act, and of the said Minister for the time being, and the officers to the same Kirk, from time to time belonging, that the powers of the said Minister and Elders of the Kirk of Scotland, in the City of Saint John, should be enlarged and extended.

Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the said Minister and Elders of the Kirk of Scotland, in the City of Saint John, shall have full power and capacity to purchase, receive, take, hold and enjoy, for the purpose aforesaid, as well Goods and Chattels, as Lands, Tenements and Hereditaments, and improve and use the same for the use and purpose aforesaid, according to their best discretion and the true intent and meaning of the donors where such Goods and Chattels, Lands, Tenements or Hereditaments, shall be given, devised or bequeathed to the use and purposes aforesaid, any Law usage or custom to the contrary notwithstanding.

The Minister and Elders of the Kirk of Scotland, in Saint John, may receive Goods & Chattels, Lands and Tenements, for the use of the said Kirk.

Provided always, That the amount of the annual Rents, profits and receipts of such Lands, Tenements, Hereditaments, Goods, and Chattels, together with the rents of the Pews, in the said Kirk, shall not exceed the sum of five hundred pounds.

Annual rents, profits and receipts not to exceed £500.

CAP. XIV.

An Act to continue an Act intituled, " An Act for the further increase of the Revenue of this Province, and also the Act to give full effect to the same.

Passed the 11th of March, 1818.

These two Acts not having been continued beyond the 1st April, 1820, have Expired.

CAP. XV.

An Act to provide for punctuality of payment at the Treasury.

Passed the 11th of March, 1818.

WHEREAS, owing to the scarcity of Specie, and the delay thereby occasioned in payment of Warrants on the Treasury for public services, great inconveniences have been experienced,

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That Notes to the amount of ten thousand pounds, be issued forthwith after the passing of this Act, as follows :—to wit,

Two thousand Notes of five shillings each.

Two thousand Notes of ten shillings each.

One thousand Notes of twenty shillings each.

One thousand Notes of thirty shillings each.

Five hundred Notes of forty shillings each.

One thousand Notes of fifty shillings each.

Four hundred Notes of three pounds each.

And two hundred and sixty Notes of five pounds each,

Making in all ten thousand pounds ; which Notes shall be indented and impressed with the words NEW-BRUNSWICK, and signed by the Treasurer, and countersigned by the Honorable Ward Chipman, and the Honorable William Pagan, and Hugh Johnston, Esq.

or

Preamble.

Notes to be issued to the amount of £10,000.

or any two of them, and be in the form following, to wit.

NEW-BRUNSWICK.

No. ——— TREASURER'S OFFICE, NEW-BRUNSWICK,

——— Shillings (or Pounds.)

This Note shall be estimated at the Treasurer's Office, Form of the Note
of equal value as Gold and Silver, to the amount of ———
Shillings (or Pounds,) and be received as such in all payments at
the Treasury.

———
———
———

All which Notes shall be of the same date, and shall, when so completed and signed, be delivered to the Treasurer, by the persons appointed to countersign the same, which Treasurer shall be accountable for such Notes, so delivered to him.

Notes to be of the same date and delivered to the Treasurer, who is to be accountable therefor.

II. *And be it further enacted,* That when, and as often as money shall become due or payable, by virtue of an Act or Acts already passed, or that may be passed by the Legislature of this Province, and warrants for the same, are produced for payment at the Treasurer's Office, the Treasurer shall pay the amount of such warrants, on demand, in Gold or Silver, or in the said Notes, to the person or persons entitled to receive the same, on their voluntary acceptance thereof, which Notes shall be again received at the Treasury, at their specified value, equal to the like value of Gold or Silver, when and as often as the same are presented and offered in payment of duties.

Treasurer to pay the amount of Warrants to the persons entitled in cash or in Notes, on their voluntary acceptance thereof.

Notes to be received at the Treasury, at their specified value.

III. *And be it further enacted,* That if any person or persons whatsoever, shall counterfeit any of the Notes aforesaid, issued by virtue of this Act, or alter any of the same, so

Persons counterfeiting Notes, guilty of Felony, without benefit of Clergy.

that they shall appear to be of greater value than when originally filled up, numbered and signed, or shall knowingly pass or give in payment, any of the Notes aforesaid, so counterfeited or altered, every person guilty of so counterfeiting or altering any such Note or knowingly passing or giving in payment, any such altered or counterfeited Note, shall be deemed guilty of felony without benefit of Clergy.

IV. *And be it further enacted,* That when, and as often as the state of the Treasury will admit the calling in to the value of five hundred pounds and upwards, of the Notes so issued and paid out, the Treasurer shall, by advertisement in the Royal Gazette, appoint the time, at which he will receive such Notes, and pay the amount of the same in Gold and Silver, giving thirty days notice of such redemption, and mentioning the numbers of the Notes, so required to be produced for payment, calling in first, those of the largest amount in circulation.

V. *And be it further enacted,* That the Province Treasurer together with the persons appointed to countersign the aforesaid Notes or the major part of them be, and are hereby appointed to contract for and superintend the completing of the Notes to be issued by virtue of this Act.

VI. *And be it further enacted,* That in case of the death, removal from the City of Saint John, or the refusal to act, of any of the persons herein appointed to countersign the Treasury Notes, to be issued as aforesaid, it shall and may be lawful for His Excellency, the

When the State of the Treasury will admit the calling in of £500 the Treasurer to give 30 days notice in the Royal Gazette,

to mention the numbers of the Notes to be produced for payment, calling in first those of the largest amount.

Persons appointed to countersign the Notes, to contract for and superintend the completing of the same.

In case of the death, removal from Saint John, or refusal to act of any of the persons appointed to countersign the

the Lieutenant-Governor, or Commander-in-Chief, by and with the advice of His Majesty's Council, to nominate and appoint some other fit persons to countersign the same.

Notes, the Governor with the advice of the Council to appoint others.

See further 59 Geo. 3, c. 1, restraining further issuing of Notes, and also, 60 Geo. 3, c. 9, providing for cancelling the same.

CAP. XVI.

An Act in addition to, and in amendment of an Act intituled "An Act to encourage the establishment of Schools in this Province."

Passed the 11th of March, 1818.

[*Expired.*]

CAP. XVII.

An Act to provide payment for certain Public Services.

Passed the 11th of March, 1818.

WHEREAS it has been usual and is expedient to provide for the services of the Speaker, and of defraying the expences and travelling charges of the Members of the House of Assembly,

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That there be allowed and paid out of the Treasury of the Province, to the Speaker, the sum of one hundred pounds for each and every Session during the continuance of this Act, and to the Members of the House of Assembly, for defraying the expences of their attendance, and travelling charges, reckoning twenty-miles to each days travel, to be certified by the Speaker, twenty shillings per diem, each for the present Session, and all future Sessions of the General Assembly, during the continuance of this Act; which forementioned sums of money shall be paid by the*

Speaker of the House of Assembly, £100 for each Session.

Members 20s per diem for their expences of travelling and attendance, to be certified by the Speaker.

To be paid by the
Governor's War-
rant, with the ad-
vice of His Maje-
sty's Council.

Treasurer, by Warrant of His Excellency the Lieutenant-Governor, 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.

II. *Be it further enacted*, That this Act shall be and remain in full force for and during the continuance of this House of Assembly, and no longer.

Limitation.

This Act expired in the year 1820, at the dissolution of the then House of Assembly, Vide Act 2 Geo. 4. c. 5.

CAP. XVIII.

An Act to empower and authorize the Justices of the Peace for the County of Charlotte, to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds towards the support of the Poor of the said Parish.

Passed the 11th of March, 1818.

Preamble.

WHEREAS a certain piece of Land situated in the Parish of Saint Andrews, in the County of Charlotte, was granted by Letters Patent under the great Seal of this Province, to the Justices of the Peace for the County of Charlotte, in trust for the benefit of the Inhabitants of the Town of Saint Andrews, which said piece of Land contains ten hundred and fifty-two Acres, and is bounded and described as follows, to wit, beginning at the North-easterly Bank or Shore of the River Saint Croix, at the South-westerly corner or bounds of Lot number thirty-eight, in the third Tract or Division of the Grant to the Penobscot Association, thence running along the South-easterly line of the same Lot North-easterly, until it meets the Westerly line of a Public Road laid off parallel to the Westerly or rear line
of

of the Lots in the second Tract or Division of the Grant aforesaid, and four poles distant therefrom, thence along the Westerly line of the said Road, parallel to the rear line of the said Lots in the second Division of the said Grant, South-easterly until it meets the North-easterly line of a reserve made by the Surveyor-General of Woods, thence along the said line of the said reserve, North-westerly until an extent of twenty chains of four poles each is completed, thence along the North-westerly line of the said reserve twenty-two chains parallel to the North-westerly line of the Town Plot of St. Andrews, thence along the Northerly line of the said reserve, North seventy-four Degrees West, until it meets the North-easterly bank of the River Saint Croix, thence along the said bank, up stream, to the bounds first mentioned.

And whereas, from the extent of the said Tract or parcel of Land, a large portion of the same lies in a wilderness state, and is altogether unproductive to the Inhabitants of the said Town of Saint Andrews, but if leased, would be a Public benefit.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That the said Justices of the Peace for the County of Charlotte be, and they are hereby authorized and empowered, by good and sufficient Leases, to grant and to farm-let such part not exceeding eight hundred Acres of the herein before described Tract or parcel of Land, as they in their discretion may think fit for any term not exceeding twenty-one

Justices may lease not exceeding 800 Acres, for any term not exceeding 21 years.

years, and to appropriate the proceeds arising therefrom, towards the support of the Poor of the said Parish of Saint Andrews.

CAP. XIX.

An Act for regulating the Inspection of Fish for home consumption.

Passed the 11th of March, 1818.

Rendered Obsolete by 4 Geo. 4, c. 9,

CAP. XX.

An Act for raising a Revenue in this Province.

Passed the 11th of March, 1818.

[Expired.]

CAP. XXI.

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, and an Act in addition to, and in amendment thereof.

Passed the 11th of March, 1818.

Repealed by 3 Geo. 4, c. 31.

CAP. XXII.

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

Passed the 11th of March, 1818.

(Obsolete.)

Anno Regni GEORGII III.

Britanniarum Regis,

Quinquagesimo Nono.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the second day of February, Anno Domini, one thousand eight hundred and nineteen, in the fifty-ninth 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 Third Session of the Sixth General Assembly convened in the said Province.

CAP. I.

An Act to prevent the further Issuing and Circulation of Treasury Notes. Refer to 58 Geo. 3. c. 15.

Passed the 24th of March, 1819.

WHEREAS it has been found expedient to prevent the further issuing and circulation of Notes, under and by virtue of the provisions of an Act made and passed in the fifty-eighth year of His Majesty's Reign, intituled "An Act to provide for punctuality of payment at the Treasury." Preamble.

Be it therefore enacted by the Lieutenant-Governor Council and Assembly, That from and after the passing of this Act, no further payments be made at the Treasury of this Province in Notes, or any Notes be issued on any account whatever, under and by virtue of No further payments to be made at the Treasury in Notes, nor any Notes to be issued

of

The Treasurer to pay the amount of all Warrants in Gold and Silver.

of the provisions of the herein-before recited Act ; but as often hereafter as money shall become due or payable, and Warrants be produced for payment of the same at the Treasury, the Treasurer shall pay the amount of such Warrants in Gold and Silver now in the Treasury, or as payments may be made at the same.

See further 60 Geo. 3, c. 9.

CAP. II.

An Act to make perpetual several Acts of the General Assembly which are near expiring.

Passed the 24th of March, 1819.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Fifty-seventh year of His Majesty's Reign, intituled, " An Act for appointing Firewards in the Towns of Frederickton and St. Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns"—And also " An Act made and passed in the Fifty-seventh year of His Majesty's Reign, intituled, " 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" be, and the same are hereby made perpetual.

The Act for appointing Fire-Wards in the Towns of Frederickton and Saint Andrews.
57 Geo. 3, c. 9,

The Act in amendment of the Act more effectually to prevent the filling up of Harbours, &c.
57 Geo. 3, c. 6, since repealed.
Made perpetual.

CAP. III.

An Act to authorize the Justices of the Peace for the City and County of Saint John, to levy an assessment on the Inhabitants of the said City, for the purpose of building a Poor House in the said City.

Passed the 24th of March, 1819.

WHEREAS the Buildings lately occupied and used as a Poor House in the City of Saint John have been destroyed by fire, and it is expedient that a new Building should be erected therein, for the reception and support of the Parish Poor of the said City,

Preamble.

Be it therefore enacted by the Lieutenant-Governor Council and Assembly, That the Justices of the Peace for the City and County, of Saint John, at any General Sessions of the Peace, hereafter to be holden, or at any Special Sessions for that purpose expressly convened and holden, are hereby authorized and empowered to make a rate and assessment upon the Inhabitants of the said City, of any sum not exceeding seven hundred and fifty Pounds, and by such portions as they in their discretion shall from time to time think necessary, for the purpose of erecting, building, and finishing a Poor House in the said City, for the reception and support of the Parish Poor of the said City, the same sum to be rated, assessed, levied, and collected, in the same manner as any rate or assessment for the support and relief of the Poor in the said City can or may be rated, assessed, levied, and collected, by virtue of any Law now in force or hereafter to be made for the like purpose and to be paid into the hands of the Chamberlain

Justices for the City and County of Saint John, at General or Special Sessions, may assess upon the Inhabitants a sum not exceeding £750.

For the purpose of erecting a Poor House for the reception of the Parish Poor.

To be assessed, levied and collected, in the same manner as any assessment for the support of the Poor.

To be paid into the hands of the Chamberlain.

berlain

berlain of the said City of Saint John, to be applied to and for the purpose above mentioned.

See further 60 Geo. 3, c. 14 and 2, Geo. 4, c. 1.

CAP. IV.

An Act to revive and make perpetual an Act intituled "An Act authorizing 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."

Refer to 52 Geo. 3, c. 16.

Passed the 24th of March, 1819.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act authorizing 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," be, and the same is hereby revived and made perpetual.

The Act authorizing the Mayor, &c. of St. John to make regulations for more effectual prevention of Fires,

Revived and made perpetual.

CAP. V.

An Act in addition to, and amendment of an Act, intituled "An Act to revive and make perpetual an Act authorizing 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."

Refer to 52 Geo. 3, c. 16.

Passed the 24th of March, 1819.

WHEREAS it is necessary further to provide by Law for the more effectual prevention of Fires within the said City of Saint John, by compelling the Inhabitants and Owners of Houses within the said City to provide themselves with Ladders, and by other regulations to be made by the Common Council of the said City from time to time, as occasion may require,

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the Mayor, Aldermen, and Commonalty, of the said City of Saint John, in Common Council convened, shall and may have full power and authority, by Law or Ordinance, to direct the Owners or Inhabitants of Houses within the said City, or any of them, as the said Common Council shall from time to time see fit, to provide Ladders, to be kept on or near to their respective Houses, to be ready for being used in preventing and extinguishing Fires, under such regulations as the said Common Council shall see fit to ordain, and also from time to time, as occasion shall require, to make and ordain any other such provisions and regulations, as well for directing the Inhabitants or Owners of Houses within the said City, to furnish and provide themselves with any other such things as may be necessary to be used in preventing and extinguishing Fires, as for any other purpose relating to this end as may be expedient and necessary.

The Mayor, Aldermen and Commonalty of Saint John, may direct the Owners or Inhabitants of Houses to provide Ladders, to be kept on or near their houses,

or to furnish and provide themselves with any other things necessary to be used in preventing and extinguishing Fires.

II. *And be it further enacted,* That it shall and may be lawful for the said Mayor, Aldermen, and Commonalty, in Common Council convened, to impose penalties for the non-observance of any such Laws or Ordinances as they may, by virtue of this Act, from time to time pass and enact, not exceeding ten pounds, to be recovered, paid and applied in like manner with any other penalties imposed and inflicted by the Laws or Ordinances of the said Mayor, Aldermen and Commonalty.

And may impose penalties for non-observance of any Laws or Ordinances passed by virtue of this Act.

Limitation.

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

CAP. VI.

An Act for the more effectual punishment of Persons who shall be guilty of the Tresspasses therein mentioned, in the City of Saint John.

Passed the 24th of March, 1819.

Preamble.

WHEREAS evil minded Persons have of late broken, taken down, or carried away the Glass Lamps hung out or fixed before the Dwelling Houses of many of the Inhabitants, and elsewhere, in the Streets of the City of Saint John, to light the said Streets, or have extinguished the Lights therein, and have also been guilty of committing divers other trespases and enormities, injurious to the property of the Inhabitants, and to the disturbance of the Peace in the said City : For prevention whereof in future,

Any Person who shall wilfully break or take down any Lamp placed in the Streets, or extinguish the Lights, &c. or break or deface any glass window, &c.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That if any person shall wilfully break, take down, or carry away any Glass Lamp already hung or fixed, or hereafter to be hung or fixed in or upon any of the Streets of the said City, to light the same, or shall extinguish the lights therein, or be aiding or abetting in the same, or shall wilfully break or deface any Glass Window, Porch, Knocker or other Fixture in the said City, and shall thereof be convicted before the Mayor, or Recorder, or any one of the Aldermen of the said City, either by the confession of the party or by the oath

oath of one or more credible witness or witnesses, or upon view of the said Mayor, Recorder, or any one of the said Aldermen, or any other of His Majesty's Justices of the Peace for the said City and County, every such person so offending shall, for each offence, forfeit and pay a sum not exceeding Ten pounds, lawful money of this Province, to be recovered with costs, and levied by warrant of distress and sale of the goods and chattels of every such offender; one moiety of which forfeiture, when recovered, to be paid to the Chamberlain of the said City for the time being, to be applied to the purpose of providing new Lamps in the room of such as shall be so taken down or carried away, and of repairing such of them as shall be broken or injured as aforesaid, and towards the payment of the expences of the Nightly Watch in the said City; and the other moiety of such forfeiture to be paid to the person or persons who shall prosecute for the same; and for want of goods and chattels whereon the same can be levied, it shall and may be lawful to commit every such offender to the common Gaol of the City and County of Saint John, there to remain without bail or mainprize for a term not exceeding Two months, or until such forfeiture and costs are paid. And if any such offence shall be committed by any Apprentice or Servant, such forfeiture and costs shall be paid by his or her Master or Mistress, or in default thereof, such Apprentice or Servant shall be committed to such Gaol in manner aforesaid.

shall on conviction forfeit not exceeding £10.

To be recovered, with costs, by distress.

One moiety of such forfeiture to be paid to the Chamberlain, and the other to the Person who shall prosecute for the same.

And for want of goods, &c. whereon to levy, such offender to be committed to gaol.

The Master or Mistress of any Apprentice or Servant who shall be convicted of such offence, to pay the forfeiture, or such offender to be committed.

Sheriff, Constable, &c. to arrest and give information of offenders to the Mayor, &c.

II. *And be it further enacted*, That in case any person shall commit any or either of the offences aforesaid, in the presence of any Sheriff, Constable, Marshal, or Watchman, that then every such Sheriff, Deputy-Sheriff, Constable, Marshal, or Watchman, shall forthwith arrest such offenders and give information thereof to the Mayor or Recorder, or some one of the Aldermen of the said City as aforesaid, in order that such offender may be convicted thereof in manner and form as herein-before directed.

Not to preclude any person from recovering damages against offenders.

III. *And be it further enacted*, That this Act, or any thing herein contained, shall not bar or preclude any person or persons from recovering his, her, or their damages against any person or persons who shall be guilty of any of the mischiefs or trespasses aforesaid, but that the same may be recovered in the same manner as if this Act had not been passed.

One or more of such persons as may have been concerned in such offences, giving information within one month, shall not be liable, &c.

IV. *And for the more easy detection and discovery of such offenders*, *Be it further enacted*, that if two or more persons shall have been jointly concerned in committing any of the offences aforesaid, and one or more of them (not having been informed against) shall within the space of one month after the offence committed, inform against any or all the other or others concerned in the same offence, so as to convict him, her, or them, the person so informing shall not be liable to the payment of any part of the forfeiture herein-before mentioned.

V. *And be it further enacted*, That this Act shall continue and be in force for five years,

and

and thence to the end of the next Session of the General Assembly, and no longer.

Limitation.

CAP. VII.

An Act in amendment of the Act "for making further provision for preventing the importation and spreading of Contagious Distempers in the City of Saint John."

Refer to 39 Geo. 3, c. 9.

Passed the 24th of March, 1819.

WHEREAS in and by the fourth Section of an Act made and passed in the thirty-ninth year of His Majesty's Reign, intituled, "An Act to repeal an Act made and passed in the thirty-sixth year of His Majesty's Reign, intituled "An Act to prevent bringing Infectious Distempers into the City of Saint John," and to make more effectual provision for preventing the importation and spreading of such Distempers"—it is provided, that the Physician or Physicians who shall be appointed by the Common Council of the said City, to go on board, visit, and examine vessels arriving as therein mentioned, shall have and receive from the Chamberlain of the City, such fees, recompense, and reward for the services to be performed, from time to time, as aforesaid, as the Common Council shall order and appoint. *And whereas* it is proper and expedient that reasonable fees be paid to such visiting Physician or Physicians, by the Masters or Commanders of the vessels that may be visited and examined by them,

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the said hereinbefore

Part of the Fourth Section of the Act to repeal an Act to prevent

* bringing Infec- before recited clause of the said Section of
 * tious Distem- the said Act of Assembly, be, and the same
 * pers into the is hereby repealed.
 * City of Saint
 * John, repealed.

The Mayor, Aldermen, &c. to appoint Physicians to go on board and inspect vessels suspected of having Infectious Distempers, &c. and on which a signal has been made.

Physician visiting any vessel, to be entitled to receive from the Master, &c. a fee of thirty shillings.

Recoverable by suit, &c.

II. *And be it further enacted,* That the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council, be, and they are hereby authorized and required to nominate and appoint one or more Physician or Physicians, who shall have power and authority, and whose duty it shall be to go on board, visit and inspect all vessels arriving in the harbour of Saint John, which may be suspected of having on board the Yellow Fever, Putrid Billious Fever, or other Pestilential or Contagious Distemper, and upon which a signal has been made agreeable to the directions contained in the third section of the herein-before recited Act to which this is an amendment, or when he or they shall be required by the Mayor, Recorder, or Aldermen, or any two of them, to go on board, visit or inspect, any other vessel or vessels arriving in the said harbour of Saint John, such Physician or Physicians who shall or may at any time or times go on board, visit or inspect such suspected vessel or vessels, or any other vessel or vessels, at the request of the Mayor, Recorder, or Aldermen, or any two of them as aforesaid, shall for each and every visit so made, be entitled to demand and receive from the Master, Owner, or Consignee of such vessel so visited, the sum of thirty shillings, to be sued for and recovered in any Court competent to take cognizance of the same.

III. *And be it further enacted,* That the said herein-

herein-before in part-recited Act, and every part thereof, excepting wherein the same is hereby repealed, shall be, and remain in full force.

Before recited Act, excepting wherein hereby repealed, to remain in force.

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

Limitation.

CAP. VIII.

An Act to provide for the support of a Light-House to be built upon Point Escuminac, in the County of Northumberland.

Passed the 24th of March, 1819.

[*Expired.*]

CAP. IX.

An Act to explain and amend an Act intituled "An Act to impose a duty upon certain Articles imported into this Province."

Refer to 52 Geo. 3, c. 6.

Passed the 24th of March, 1819.

WHEREAS in and by 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," a duty of five pounds is laid upon every Horse, and a duty of twenty shillings upon every Ox, which may be imported or brought into this Province. And whereas doubts have arisen as to what description of Cattle are contemplated by the said Act: For remedy whereof,

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, the said duty of twenty shillings shall be paid upon all Neat Cattle of every description, so imported or brought, (Cows excepted) and that all Cows shall be subject to a duty of ten shillings each.

A duty of 20s. to be paid on all Neat Cattle imported, excepting Cows, which shall be subject to a duty of 10s.

II. *And whereas* the beneficial effects intended by the said Act have been, in almost every instance, evaded; to the great injury of the Revenue, for want of fit persons to be appointed as Collectors of the said duties: For remedy whereof, *Be it further enacted*, that it shall and may be lawful for the Treasurer of the Province to appoint fit and proper persons, residing on the Great Roads leading from the County of Charlotte to Fredericton and Saint John, and in such other place or places as he may judge meet and expedient; and such persons are hereby authorized to detain, and report to the Treasurer or his Deputy, all such Cattle and Horses as may be found on such roads, place or places, and so imported and brought as aforesaid, unless the owner or owners, person or persons, having charge of, or driving such Cattle and Horses, shall produce a certificate from the Treasurer, or one of his Deputies, that the duties have been paid, or secured to be paid, on such Cattle and Horses, or that the same were bred or raised within the Province.

Treasurer to appoint fit persons to detain and report to him such Cattle as shall be brought into the Province without the duties being paid or secured.

III. *And be it further enacted*, That the said Collectors shall give bonds to the Treasurer, to the amount of one hundred pounds, with two sufficient Securities, in the sum of fifty pounds each, for the faithful discharge of their trust, and shall be allowed one-half of the commission to be received by the Deputy-Treasurer of the County in which such Collector shall reside, and also ten per cent. on the net proceeds of all Cattle so detained and forfeited, under and by virtue of this Act,

The said Collectors to give bonds for the faithful discharge of their duty, and shall be allowed one-half of the Commission to be received by the Deputy Treasurer, and also ten per cent. on the proceeds of cattle forfeited.

Act, or the Act to which this is an amendment.

IV. *And be it further enacted*, That the herein-before recited Act, of which this is an amendment, except wherein it is hereby altered and amended, shall be continued and be in force for three years, and from thence to the end of next Session of the General Assembly. Limitation.

See further as to Drawbacks, 2 Geo. 4, c. 21.

Continued to 1825 and to the end of the then next Session, by 3 Geo. 4, c. 20.

CAP. X.

An Act to enable the Province Treasurer to borrow the sum of Nine Thousand Pounds, for paying off Bounties and other Debts payable by the Laws of this Province.

Passed the 24th of March, 1819.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Treasurer, on the part of the Province, is hereby authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding Nine Thousand Pounds, which money so to be borrowed shall be paid unto the Treasury, and applied by the Lieutenant-Governor, or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, to the payment of the several debts of this Province.

Treasurer authorized to borrow not exceeding Nine Thousand Pounds, to be applied for payment of the several debts of the Province.

II. *And be it further enacted*, That for the said sum of Nine Thousand Pounds, or so much thereof as shall be actually paid into the Treasury of this Province, Notes shall be given by the Treasurer to such person or persons who shall so pay the said sum of

Notes bearing Interest at the rate of 6 per cent. to be given by the Treasurer to persons paying in the said sum or any part thereof.

Nine Thousand Pounds, or any part thereof into the Treasury, for the amount respectively paid by such person or persons; which Notes shall be payable to such person or persons, or order, for the amount respectively specified therein, and shall bear an Interest of six per centum per annum, and the said Notes shall be numbered in numerical order, beginning with the number one.

The said Notes shall not be received at the Treasury for payment of any duties or of bonds given for payment of Duties.

III. *And be it further enacted,* That the said Notes so to be given by the Treasurer as aforesaid, for the said sum of Nine Thousand Pounds, or so much thereof as shall actually be paid into the Treasury as aforesaid, shall not be received or taken at the Treasury for the payment of any duties, or of any bond or bonds, which may have been or shall be hereafter given for the payment of the same.

The Treasurer may receive any warrant granted by the Lieut-Governor, for payment of monies appropriated previous to the present Session, in part payment of the said sum of Nine Thousand Pounds.

IV. *And be it further enacted,* That the Treasurer be, and he is hereby authorized to receive any warrant or warrants heretofore granted, or which may hereafter be granted by the Lieutenant-Governor or Commander in-Chief for the time being, by and with the advice and consent of His Majesty's Council, for the payment of monies which have been appropriated by any Law or Laws of this Province previous to the Present Session of the General Assembly; and it shall and may be lawful for the Treasurer to accept of the amount of such warrant or warrants, in part payment of the said sum of Nine Thousand Pounds.

After expiration of one year, when the state of the

V. *And be it further enacted,* That when and as often as the state of the Treasury will admit,

admit; after the expiration of one year, to be accounted from and after the passing of this Act, the calling in to the value of Five Hundred Pounds and upwards of the Notes so given for the said sum of Nine Thousand Pounds, or such part thereof as shall be actually paid into the Treasury in Specie or warrants as aforesaid, the Treasurer shall, by advertisement in the Royal Gazette giving thirty days previous notice, appoint the time at which he will pay off and redeem such Notes, and pay the amount in Gold and Silver, in which public notice the numbers of the Notes so required to be produced, shall be mentioned.

Treasury will admit the calling in of £500 of the Notes so given, the Treasurer to give 30 days previous notice of the time when he will pay off such Notes in Gold & Silver, and mention the numbers of the Notes so to be produced.

VI. *And be it further enacted*, That this Act shall continue and be in force until the said monies so to be borrowed, with the Interest thereon, shall be paid off and discharged and no longer.

Limitation.

See further 2 Geo. 4, c. 19.

CAP. XI.

An Act to regulate the exportation of Lumber, and to repeal all the Acts now in force relating to the same.

Passed the 24th March, 1819.

WHEREAS the Acts now in force relating to the exportation of Lumber are found inconvenient.

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor Council and Assembly*, That 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 an Act

37 Geo. 3, c. 4.

Acts regulating the exportation of Fish and Lumber, repealed so far as relating to Lumber.

43 Geo 3, c. 7.

made and passed in the forty-third Year of His Majesty's Reign, intituled "An Act to explain and amend an Act, intituled "An Act for regulating the exportation of Fish and Lumber, and repealing the Laws now in force regulating the same"—and also an

50 Geo. 3, c. 23. Act made and passed in the fiftieth Year of His Majesty's Reign, intituled "An Act to explain and amend the Laws now in force for regulating the exportation of Fish and

54 Geo. 3, c. 1. "Lumber"—and also an Act made and passed in the fifty-fourth Year of His Majesty's Reign, intituled "An Act in addition to an Act, intituled "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same"—also an Act, made and passed

56 Geo. 3, c. 13. Repealed. ed in the fifty-sixth Year of His Majesty's Reign, intituled "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," so far as the same relate to the article of Lumber, be, and the same are hereby repealed: and that an Act,

26 Geo 3 c. 50. made and passed in the twenty-sixth Year of His Majesty's Reign, intituled "An Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality

27 Geo. 3, c. 14. "of the same"—and an Act made and passed in the twenty-seventh Year of His Majesty's Reign, intituled "An Act in addition to an Act intituled "An Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of

28 Geo. 3, c. 9 "the same"—and also an Act made and passed

ed

ed in the twenty-eighth Year of His Majesty's Reign, intituled "An Act to amend an Act, intituled "An Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same," so far as the same relate to the article of Lumber,--be and the same are hereby continued repealed.

II. *And be it further enacted*, That all square timber for the British market shall not be less than ten inches square, nor shorter than sixteen feet (Hardwood excepted, which may be twelve feet long if not less than twelve inches square)---to be square and smoothly hewed, and free from plugs, jogs, rotten knots, wind shakes, butt knots and bark---to be square butted, and the taper not to exceed one inch for every fourteen feet in length, the wane not to exceed one inch on each and every corner, where the square is under sixteen inches---from sixteen inches to twenty inches square on each and every corner, two inches wane---and from twenty-one inches square and upwards, three inches wane on each and every corner, to be measured on the waness; and the difference of the square between any of the sides, shall not exceed two inches; and no log shall have a sweep unless it has two straight sides, and such sweep shall not exceed the rate of five inches to forty feet in length: Provided nevertheless, that timber manufactured before the first day of May next, may be deemed merchantable if it has two straight sides.

III. *And be it further enacted*, That all timber before exportation, shall be survey-

Description and size of Timber for the British market.

All timber before exportation to be surveyed by a sworn Surveyor.

ed

Duty of Surveyor
and his Fees.

ed by a sworn Surveyor, who, in ascertaining the contents, shall girth or measure every piece in the middle, and the contents together with his own mark, number, and purchaser's mark, shall be marked on the butt end of every piece, and he shall furnish the purchaser and seller with one survey bill each, stating separately the number, length, girth or square, and contents of every piece; and such surveyor shall be entitled to receive, at and after the rate of six-pence for every forty cubic feet, to be paid by the purchaser, except in the City and County of St. John, or River Saint John, and the River and Bay of Miramichi, and the several Branches of said Rivers and Bay, where the Surveyor shall be paid at and after the rate of four-pence per ton, to be paid by the purchaser.

What shall be
deemed merchantable
boards,
planks, &c.

IV. *And be it further enacted,* That all merchantable boards, planks, and scantling, whether for exportation or home consumption, and all clear boards, planks, or scantling, for exportation, shall be square-edged with the saw; all clear boards shall not be less than one inch thick, and merchantable boards not less than seven-eighths of an inch thick; no board or plank shall be deemed merchantable if split at both ends, or have one continued split of more than two feet at one end, that is less than nine inches wide and twelve feet long, and is not sawed of a thickness throughout, and is not free from shakes, rotten knots, or worm holes; and purchasers shall not be obliged to take plank with boards, unless by special agreement so to do.

V.

V. *And be it further enacted,* That all boards, planks, and scantling, shall, before exportation, be surveyed by a sworn Surveyor, who shall mark the contents in board measure, as also his own private mark, on the butt end of every piece of board, plank, or scantling, and shall furnish the purchaser with a survey bill, stating separately the number of pieces, and the quantity of clear and merchantable, and shall be entitled to receive at the rate of one shilling and three pence per thousand feet of board measure, for surveying, except in the City of Saint John, where one shilling per thousand shall be allowed, and no private mark required, to be 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.

Boards, planks, and scantling to be surveyed before exportation, and the contents to be marked, and also the Surveyor's private mark on the butt of each piece.

Surveyor's fees.

Penalty for shipping boards, &c. not marked.

VI. *And be it further enacted,* That all mast shall not be less than three feet and one fourth of a foot in length to every inch in diameter at the partners, and shall not be deemed merchantable unless free from rotten sap, bark, wind shakes, rotten knots, butt rots, and plugs; the size of every mast to be marked on the butt, and the Surveyor shall be entitled to receive at the rate of two shillings and six-pence for the survey of each and every mast; and all persons shipping masts not so surveyed and marked shall forfeit and pay five pounds for every mast so shipped by them.

Masts.

What shall be deemed merchantable,

to be marked by the Surveyor.

His fees.

VII. *And whereas* some evil disposed persons are in the practice of plugging timber and

Penalty for plugging masts.

and masts, for the purpose of passing such timber or masts, by such deception, as merchantable, *Be it therefore further 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 ten pounds for each and every offence.

Spars.

How to be measured.

Surveyor's fees.

VIII. *And be it further enacted*, That all spars be measured free of bark, at the distance of one-third of the length from the butt, to be straight and square butted; and Surveyors shall be entitled to receive at and after the rate of three-pence for each and every spar surveyed by them, from six to nine inches diameter, and at and after the rate of four-pence for each and every spar being nine inches in diameter and upwards.

Lathwood.

What shall be deemed merchantable.

Surveyor's fees.

IX. *And be it further enacted*, That no lathwood shall be deemed merchantable unless it be square butted, of straight rift, free from bark, hearts and knots, to be sold by the cord of four feet high and eight feet long, to be piled as close as it can be laid; Surveyors to be allowed at and after the rate of one shilling and three-pence for inspecting and surveying each and every cord, to be paid by the purchaser.

Shingles.

Size, and how to be put up.

X. *And be it further enacted*, That all pine shingles shall be eighteen inches long, not less than four inches wide, and three-eighths of an inch thick at the butt, free from sap and worm holes, to be put up in bundles not less than twenty inches wide, and to contain twenty-five tier or courses---four of which bundles shall be reckoned a thousand; that all

all cedar shingles, dressed or undressed, shall not be less than twenty inches in length, one-half of an inch thick at the butt end, and four inches wide---to be free from knot holes---and all such shingles shall be surveyed by a sworn Surveyor, who shall receive nine-pence per thousand for pine shingles, and one shilling per thousand for cedar shingles---and that cedar shingles shall be sold by tale; and all persons shipping shingles for exportation not surveyed as aforesaid, shall forfeit two shillings and six-pence for each and every thousand shipped by them.

To be surveyed.

Surveyor's fees.

Penalty for shipping shingles not surveyed.

XI. *And be it further enacted,* That all hogshead staves shall be forty-two inches long, and all barrel staves thirty-two inches long, and not less than three inches and a half an inch wide, and half an inch thick on the thin edge, fairly split and free from rotten knots, splits, and shakes---also free from knot holes and worm holes; and all such staves shall be surveyed by a sworn Surveyor, who shall receive two shillings and six-pence per thousand for such survey.

Staves.

Sizes.

To be surveyed.

Surveyor's fees.

XII. *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace in each County, at their first General Sessions annually, or the Mayor, Aldermen, and Commonalty of the City of St. John, to appoint fit persons to be Surveyors of Lumber in each County, Town, or place where such may be necessary; which persons shall give bonds in the sum of fifty pounds, with two sufficient sureties in the sum of twenty-five pounds each, and shall

Surveyors how to be appointed.

To give bonds, & be sworn to the faithful discharge of their duty.

be

Shall deliver in to the Clerk of the Peace the private mark which they adopt.

be sworn to the faithful and diligent discharge of their duty, and shall continue in such office until other proper persons are appointed in their stead; and on being sworn, shall deliver unto the Clerk of the Peace for the County in which they shall be appointed, the private mark which they shall respectively adopt.

Penalties on Surveyors passing timber, masts, &c. contrary to the provisions of this Act.

XIII. *And be it further enacted*, That if any Surveyor of Lumber shall pass any timber, masts, boards, plank, scantling, or any other kind of Lumber, contrary to the provisions of this Act, such Surveyor so offending shall be liable to the party injured for all damages sustained by him, and be subject to the following penalties, namely: for every ton of timber so passed, the sum of two shillings and sixpence; for every thousand feet of boards, the sum of five shillings; for every mast, the sum of ten shillings; for every spar, the sum of one shilling and six-pence; for every thousand of shingles, the sum of two shillings and six-pence; for every thousand staves, the sum of five shillings.

May survey timber in any part of the county.

XIV. *And be it further enacted*, That it shall and may be lawful for any Surveyor to survey Lumber in any part of the County in which he is appointed.

One-half of the forfeitures or fines to be to the person suing for the same, the other half to Poor of the Parish.

XV. *And be it further enacted*, That one-half of all the forfeitures or fines arising by virtue of this Act, shall be to the person or persons who shall sue for the same, and the other half to the benefit of the Poor of the Parish where such offence shall be committed; and if the same shall not exceed five pounds, shall be recoverable, together with the

the costs of prosecution, before any one of His Majesty's Justices of the Peace of the County where such offence shall have been committed; or where the same shall be more than five pounds, and shall not exceed ten pounds, before any two of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses, by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice or Justices; and for want of sufficient distress, shall suffer not less than three, nor more than forty days imprisonment; and in case such forfeiture, or the value thereof shall exceed ten pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province competent to try the same, with costs of suit.

How to be recovered.

XVI. *And be it further enacted*, That all prosecutions by force of this Act, shall be commenced within six months from and after the time such offence was committed.

Prosecutions to be commenced within Six Months.

XVII. *And be it further enacted*, That this Act shall be publicly read by the Clerks of the Peace annually at the opening of the Court of General Sessions of the Peace, at which the appointment of Town or Parish Officers is made.

This Act to be read publicly by the Clerks of the Peace.

CAP. XII.

An Act in addition to and in amendment of an Act, intituled "An Act for the support and relief of Confined Debtors," and the "Act further to extend the provisions thereof."

Passed the 24th of March, 1819.

WHEREAS the weekly allowance for Confined Debtors, directed to be paid by an Act, made and passed in the forty-first

Preamble.

ty-first Year of His present Majesty's Reign,
 41 Geo. 3, c. 5. intituled "An Act for the support and re-
 lief of Confined Debtors, and also by
 another Act, made and passed in the fiftieth
 Year of His Majesty's Reign, "to extend
 50 Geo. 3, c. 30. "the provisions of the same," has not been
 found sufficient, and great distress has been
 experienced by such unfortunate persons
 for want of a more suitable provision: And
 whereas the unlimited term of confinement
 of such Debtors occasions much distress and
 oppression,

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the passing of this Act, the weekly allowance directed to be paid to such Confined Debtor, as after the required term of confinement, and on examination had, is found utterly unable to support himself or herself, shall from the first day of November until the last day of March, be five shillings per week, and the remainder of the year four shillings per week, instead of the allowances directed in and by said Acts.

II. *And be it further enacted,* That no Debtor who has made it appear that he or she is utterly unable to support himself or herself, shall be detained in confinement exceeding twelve months from the time of his or her commitment, notwithstanding the Creditor may continue to offer the weekly allowance; but every such Debtor shall, by order under the hand and seal of the Judge or Justice who made the order for such Debtor's support or any other Judge or Justice of the same Court, be released therefrom; and that
 the

The weekly allowance to Confined Debtors to be 5s. in Winter, and 4s. in Summer.

No Debtor who shall be unable to support himself, to be detained in confinement longer than twelve Months.

the Creditor of such Debtor shall be entitled to the same remedy by proceeding to judgment, or taking out execution against the goods and Chattels, Lands and Tenements of such Debtor, as is provided in and by the first section of the herein-before first recited Act.

Creditor to be entitled to the same remedy, by execution against goods, &c.

III. *And be it further enacted*, That the said Act, except where the same is hereby altered, shall be and continue in full force; any thing herein contained to the contrary notwithstanding.

The former Act, except where hereby repealed, to remain in force.

See further 3 Geo. 4, c. 15, and 4 Geo. 4, c. 10.

CAP. XIII.

An Act to regulate the exportation of Fish, and to repeal the Laws now in force relating thereto.

Passed the 24th of March, 1819.

WHEREAS the Acts now in force regulating the exportation of Fish, are blended with those regulating the exportation of Lumber, and it is expedient that they should be distinct and separate: And whereas some further regulations are necessary in addition to those contained in the same Acts,

Preamble.

1. *Be it therefore enacted by the Lieutenant-Governor Council and Assembly*, That so much of 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 also of the several Acts mentioned in the same Act, and also of all other Acts in amendment thereof, as relates

The several Acts for regulating the exportation of Fish and Lumber, so far as relates to the article of Fish, repealed

37 Geo 3, c. 4.
43 Geo 3, c. 7.
50 Geo 3, c. 23.
64 Geo 3, c. 2.
36 Geo 3, c. 13
Repealed.

to

to the articles of Fish,---be, and the same are hereby repealed,

II. *And be it further enacted,* That all pickled herrings, mackarel, cod and scale fish, for exportation, shall be packed in barrels of twenty-eight gallons at least, which barrels shall be made of well-seasoned timber, free from sap, and have three sufficient hoops on each bilge, and three on each end, the fish shall be all of one kind, free from rust, and closely packed, and the barrels full of strong pickle; and that all salmon for exportation, shall be packed in tierces, half-tierces, barrels and half-barrels; which tierces, half-tierces, barrels, and half-barrels, shall be made of sound seasoned wood, free from sap, sufficient to hold pickle, and shall be full bound; each tierce shall contain three hundred pounds; each half-tierce, one hundred and fifty pounds; each barrel two hundred pounds; and each half-barrel, one hundred pounds, exclusive of the salt, and shall be full of strong pickle; and all barrels hereafter to be made, which shall contain less than twenty-eight gallons, shall be forfeited; and on complaint and proof before any two of His Majesty's Justices of the Peace for the County where such barrels shall be offered for sale, the same shall be adjudged to be forfeited, and shall by warrant under the hands and seals of such Justices, be seized, and burnt or destroyed, by a Constable; and all pickled fish, shipped in barrels of a smaller size, or salmon shipped in tierces, half-tierces, barrels, or half-barrels, containing less weight than is herein provided

Description and size of barrels in which the several sorts of Fish shall be packed.

All Barrels which shall contain less than the prescribed quantities, to be forfeited,

and shall be seized and burnt,

and all Fish contained in such Barrels shall be forfeited.

vided, shall be forfeited, and shall and may on complaint and proof before any two of His Majesty's Justices of the Peace for the County where such offence shall be committed, or the Mayor, or Recorder, and any one of the Aldermen of the said City of St. John, be so adjudged to be forfeited, and shall and may by warrant under the hands and seals of such Magistrates, respectively directed to the Sheriff, or his Deputy, or any Constable, be seized and sold. *Provided always*, that it shall and may be lawful to export herrings without pickle, if the same are in every other respect conformable to this Act.

III. *And be it further enacted*, That all cod and scale fish for exportation, shall be of the following description and qualities, to wit:---Fish for the European market shall be of the first quality, properly cured, not salt-burnt, nor broken, smoothly split, and perfectly sound; fish for the West India market, if well cured and dried, shall be deemed merchantable, without having the other qualities before mentioned; and all persons shipping unmerchantable fish, shall on conviction forfeit three shillings for each quintal so shipped by them.

Description of
Cod and Scale
Fish for the Eu-
ropean and West-
India Markets.

Penalty for ship-
ping unmerchant-
able Fish.

IV. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Sessions of the Peace annually, or the Mayor, Aldermen, and Commonalty of the City of Saint John, to appoint fit persons to be Inspectors of fish in each County, Town, and place where such may be necessary, whose duty it shall be to inspect the same,

Inspectors of Fish
how to be ap-
pointed.

Their duty.

and brand the initials of his name on the head and bilge of each tierce, half-tierce, barrel or half-barrel, hogshead or cask so inspected; and such persons shall give bonds in the sum of twenty-five pounds, with two sufficient sureties, and shall be sworn to the diligent and faithful discharge of their trust, and shall receive for inspection six-pence per cask for every cask of pickled fish, and two-pence per quintal for every quintal of cod or scale fish, when inspected in bulk, and shall continue in such office until other proper persons are appointed and sworn in their stead. *Provided always, and be it further enacted,* That in Counties where the General Sessions of the Peace have been already holden for the present year, it shall and may be lawful for the appointment of such Inspectors to be made for the residue of the same year, at Special Sessions to be for that purpose summoned.

To give bonds, and be sworn to the faithful discharge of their duty.

Their fees.

One half of all forfeitures or fines to be paid to the person suing for the same, the other half to the Poor of the Parish

To be recovered by distress, &c.

V. *And be it further enacted,* That one-half of all forfeitures or fines imposed by this Act, shall be paid to him or them who shall sue for the same, and the other half to the benefit of the Poor of the Parish where such offence shall be committed; and if the same shall not exceed twenty shillings, it shall be recoverable before any one of His Majesty's Justices of the Peace; or where the same shall be more than twenty shillings, and shall not exceed three pounds, before any two of His Majesty's Justices of the Peace, together with costs of prosecution, on the oath of one or more credible witness or witnesses, by warrant of distress and sale of the offender's goods

goods and chattels, under the hand and seal of such Justice or Justices; and for want of sufficient distress, such offender shall suffer not less than ten, nor more than thirty days imprisonment; and in case such fine or the value thereof shall exceed three pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, with costs of suit.

Where no goods, offender to be committed.

VI. *And be it further enacted*, That all prosecutions under and by virtue of the provisions of this Act, shall be commenced within six months after the time such offence was committed.

All prosecutions under this Act to be commenced within 6 months.

VII. *Provided always, and be it further enacted*, That nothing in this Act contained shall be construed to extend to abridge, diminish, or interfere with the powers given to the Mayor, Aldermen, and Commonalty of the City of Saint John, by the Charter of the said City.

Not to be construed to interfere with the Charter of the City of St. John.

See addition made by 4 Geo. 4, c. 6.

CAP. XIV.

An Act further 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 give further encouragement to the present Proprietors of the Steam Passage Boat erected in pursuance of the same Act.

Refer to 52 Geo. 3, c. 24 and 53 Geo. 3, c. 4.

Passed the 24th of March, 1819.

WHEREAS a Steam Boat has been erected and finished agreeably to the directions and provisions of two Acts of the General Assembly of this Province--- one passed in the fifty-second Year of His present Majesty's Reign, intituled "An Act

Preamble.

“ to encourage the erection of a Passage
 “ Boat to be worked by Steam, for facilita-
 “ ting the communication between the City
 “ of Saint John and Fredericton”---and the
 other, passed in the fifty-third Year of the
 same Reign, “ to alter and extend the pro-
 “ visions of the said Act.”---and has been
 used and employed for the purposes in the
 said Acts mentioned, for three years last
 past; and the same Boat is now owned by
 John Ward, Robert Smith, Hugh Johnston,
 and Peter Fraser, Esquires. And whereas
 from the very small profit which the large
 capital vested in the said Boat has already
 produced, there is good cause to believe that
 the residue of the term of ten years granted
 by the said Acts, will be insufficient for the
 purpose of remunerating the said Proprietors
 for the heavy expense heretofore incur-
 red, and which must be hereafter incurred,
 in keeping the same Boat in a proper
 state of repair, and in navigating the same,
 or in the construction of another Boat upon
 a similar or an improved plan: And the said
 John Ward, Robert Smith, Hugh Johnston,
 and Peter Fraser, having petitioned this Ge-
 neral Assembly that the residue of the said
 term of ten years may be enlarged, and the
 exclusive privilege in and by the same Acts
 granted, be further extended,

The present Pro-
 prietors of the
 Steam Boat to
 have the sole right
 of carrying Pas-
 sengers in that or
 any other Steam
 Boat, between St.
 John and Frede-
 ricton, for Ten
 Years.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the said John Ward, Robert Smith, Hugh Johnston, and Peter Fraser, shall have, possess and enjoy to themselves, their executors, administrators and assigns, the sole right of carrying

carrying passengers and transporting freight of different kinds in the Steam Boat at present owned by them, or in such other Steam Boat of the same or larger demensions, as they may find it necessary to erect in the place thereof, for the term of Ten Years, from and after the passing of this Act, and that no other person or persons whosoever other than the said John Ward, Robert Smith, Hugh Johnston, and Peter Fraser, their executors, administrators and assigns, shall use or employ any Boat or Boats to be worked by Steam, upon the said River St. John between the City of Saint John and Fredericton, for any purpose whatsoever, during such term of Ten Years.

II. *And be it further enacted,* That the said herein before recited Acts, and every clause, matter and thing, in the said Acts contained, except wherein the same are 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: and that the provisions contained in the fourth section of the first herein before mentioned Acts, shall be deemed and construed to apply to any new Boat or Boats to be worked by Steam, to be constructed by the said John Ward, Robert Smith, Hugh Johnston, and Peter Fraser, their executors, administrators or assigns, in the same manner as the same are applicable to the said Boat which has been built and now used as aforesaid.

The former Acts to remain in force, excepting wherein hereitt hereby repealed.

CAP. XV.

An Act to prevent Desertion from His Majesty's Forces, and to punish unlawful dealings with Soldiers or Deserters.

Passed the 24th of March, 1819.

WHEREAS Soldiers stationed within this Province for the defence of the same, have been frequently found to desert, or absent themselves from the Headquarters of their respective Regiments or Detachments, without leave, to the great injury of His Majesty's service.

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That if any person or persons shall harbour, conceal or assist any Deserter from His Majesty's service, knowing him to be such, every such person so offending, shall for every offence, on conviction, forfeit the sum of twenty pounds.

Penalty for harbouring, concealing, or assisting a Deserter.

Penalty for buying, exchanging, &c any arms, clothing, &c. belonging to a Soldier.

II. *And be it further enacted,* That if any person shall buy, exchange or detain, or otherwise receive from any Soldier or Deserter, upon any account whatever, any arms, clothing, caps, or other furniture belonging to the King, or any such articles belonging to any Soldier or Deserter as are generally deemed Regimental Necessaries; according to the custom of the Army, or shall exchange, buy, or receive from any Soldier any provisions, unless by consent of the Officer commanding the Regiment or Detachment to which such Soldier shall belong, every person so offending shall incur the penalty of five pounds.

Penalties, how to be recovered.

III. *And be it further enacted,* That the first mentioned penalty shall and may be recovered

covered before any two Justices of the Peace, and the last mentioned penalty before any one Justice of the Peace, in the County where such offences may be committed, upon conviction on the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the goods and chattles of the offender; one moiety of which penalty shall be paid into the Province Treasury, for the purpose of encouraging the apprehension of Deserters, the other moiety to such person who shall prosecute the same offences to conviction; and in case no sufficient goods or chattles can be found whereon to levy such distress, every offender shall, by such Justice or Justices, be committed to the Common Gaol in such County, there to remain without bail or mainprize, for a term not exceeding three months, nor less than one month.

IV. *And be it further enacted,* That any person or persons who shall apprehend any Desterter or Deserters from His Majesty's Forces, and deliver up such Deserter or Deserters to any Officer commanding any military post in this Province, shall for each and every Deserter so apprehended and delivered up, receive a reward of five pounds, on producing a certificate of such apprehension and delivery, specifying the name or names of such Deserter or Deserters, and to what regiment or corps he or they belong, signed by such Commanding Officer, and one Justice of the Peace for the County or District, before whom such Deserter or Derserters shall be brought. *Provided always,* that the rewards

Reward for apprehending Deserters.

How payable.

Not to exceed
£100 in any one
Year.

rewards so to be given out of the Province Treasury, shall not in any one year exceed One Hundred Pounds.

All Gaolers re-
quired to receive
Deserters in
custody.

V. *And be it further enacted*, That it shall and may be the duty of all Keepers of His Majesty's Gaols on the road between the place or places where such Deserter or Deserters may be apprehended, and the place of his or their final destination, to receive such Deserter or Deserters into their custody without any fee or reward, whether such Deserter or Deserters be conveyed by virtue of a warrant from any Justice of the Peace, or under military escort, by an order of the Commanding Officer of His Majesty's Forces in this Province.

Rewards to be
paid by warrant
of the Lieut-Gov-
ernor.

VI. *And be it further enacted*, That the rewards so to be paid under and by virtue of this Act, shall be by warrant under the hand and seal of the Lieutenant-Governor or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, directed to the Province Treasurer: Provided the same do not exceed the sum of One Hundred Pounds limited as aforesaid.

Limitation.

VII. *And be it further enacted*, That this Act shall continue, and be in force for five years, and from thence to the end of the next Session of the General Assembly.

Act of 33d Geo.
3. for apprehend-
ing Deserters, sus-
pended during
continuance of
this Act.

VIII. *And be it further enacted*, That the operation of an Act, made and passed in the thirty-third Year of His Majesty's Reign, intituled "An Act for apprehending Deserters from His Majesty's Service, and for punishing unlawful dealings with Sol-
diers

“ diers or Deserters,” shall be, and the same is hereby suspended for and during the continuance of this Act.

CAP. XVI.

An Act to regulate the Herring Fisheries in the Parishes of West-Isles, Campo-Bello, Pennfield, and Saint George, in the County of Charlotte.

Passed the 24th of March, 1819.

WHEREAS the Herring Fishery in the Parishes of West-Isles, Campo-Bello, Pennfield, and Saint George, has during the two last seasons been very much injured, by the injudicious and wanton placing of Seines and Nets in and across the several havens, rivers, creeks, and harbours therein, where those fish usually resort at their season of spawning, and also by the improper and injudicious mode of erecting Wears, Fish-Garths, and other obstructions whereby the young fry are destroyed, to the manifest injury of individuals and of the community at large. For remedy whereof,

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That no seine or seines, net, or nets, shall be set across the mouth of any haven, river, creek or harbour, in the Parishes of West-Isles, Campo Bello Pennfield or Saint George, aforesaid, and that no seine or net shall be set in any of the said havens, rivers, creeks or harbours, which shall extend more than one-third of the distance across the same, or be within forty fathom distance of each other, or which shall be set within twenty fathom of the shore, at low water mark of the same; and any person or persons

No Seine or Net to beset across the mouth of any Haven, River, &c. in the said Parishes.

Description of Nets which may be set in the said Havens, &c.

Penalty for setting any Net contrary to these provisions.

How to be recovered.

One-half of such Penalties to the Poor of the Parish, the other to the Informer.

Description of Wears, &c. which may be built in the aforesaid, Havens, &c.

How to be regulated.

persons who shall set a seine or seines, net or nets, across the mouth of any haven, river, creek or harbour aforesaid, or shall set such seines or nets within the same, contrary to the provisions of this Act, shall forfeit and pay the sum of ten pounds, 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, rendering the overplus, if any, after deducting costs and charges, to such offender; and twenty pounds for the second offence, to be recovered with costs, by action of debt, bill, plant, or information in any Court of Record in this Province; and fifty pounds for the third and every subsequent offence, to be recovered with costs in the manner last mentioned; one half of which penalties shall on conviction be paid to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor, and the other half to the Informer.

II. *And be it further enacted*, That all wears or fish-garths, now built, or hereafter to be built in any of the havens, rivers, creeks or harbours before mentioned, shall have a space of forty feet wide left open in the centre, or where the water is deepest, at said wear or fish-garth, for the ingress and egress of the fish, except at such time or times when the said wear or fish-garth shall be attended by the owner or occupier,

OR

or some other competent person, when it shall and may be lawful to stop the said space with a net, for the purpose of taking such fish as the owner, occupier, or other person attending the same may be prepared to cure, use for bait, or take care of in any other manner; and any person erecting, owning, or occupying any such wear or fish-garth, contrary to this Act, shall forfeit and pay the sum of ten pounds, to be recovered before any two of His Majesty's Justices in the County where such offender may reside, and applied as specified in the first section of this Act.

Penalty for erecting any Wear, &c. contrary to this Act.

III. *And be it further enacted*, That the Justices of the Peace for the County of Charlotte, in their General Sessions, may, and are hereby required to appoint two or more fit persons in each Parish herein-before described, to be Overseers of the herring fisheries in the said Parish, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish-garth, seine, or other incumbrances that shall be found in any haven, river, creek, or harbour in their respective Parishes, contrary to the provisions of this Act.

Overseers of the Herring Fisheries to be appointed by the Justices.

To be sworn to the faithful discharge of their duty.

IV. *And be it further enacted*, That if any net, hedge, wear, fish-garth, seine, or other incumbrance, shall be found in any haven, river, creek or harbour, as herein-before mentioned, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively

Any Net, &c. found in any Haven, &c. above mentioned, contrary to this Act, to be seized,

and sold by the
Overseers.

pectively forthwith to seize the same ; and if no owner shall appear to claim the same in ten days, such net, seine or fish-garth, shall together with the fish, if any found therein, be forfeited, and sold by the said Overseers, to satisfy the respective penalties in this Act mentioned and inflicted ; and the overplus, if any, shall be paid to the Overseers of the Poor, for the use of the Poor of the Town or Parish where such offence shall be committed.

Overseers' fees.

V. *And be it further enacted*, That the said Overseers of the Fisheries shall be entitled to demand and receive two shillings and six-pence, and no more, for each net to be set in the districts to which they shall be respectively appointed, from the proprietors of such nets, as a compensation for their trouble.

Penalty on Overseers delaying, &c. to be sworn,

or neglecting his duty when sworn.

VI. *And be it further enacted*, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect, or refuse to be sworn forthwith, to the faithful discharge of his duty, or after being so sworn shall neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence, the sum of five pounds ; to be sued for, recovered, and applied in the same manner as the penalty of ten pounds herein-before mentioned, can or may be sued for, recovered and applied.

Overseer neglecting his duty, application may be made to any Sheriff, &c. to take up incumbrances, &c.

VII. *And be it further enacted*, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply

apply to any Sheriff or Constable, who are hereby authorized and required to take up and remove any such incumbrances forthwith; and if no person or persons appear to claim the same within ten days, the said net or nets so taken up and removed as aforesaid, shall be considered, the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff or Constable who may take up and remove the said nets or other incumbrances.

VIII. *And be it further enacted*, That this Act shall continue and be in force for three years, Limitation. and thence to the end of the then next Session of the General Assembly.

The provisions of this Act extended to Grand-Manan Parish, by 2 Geo. 4, c. 8.

And continued to 1824 and to the end of the then next Session, by 3 Geo. 4, c. 3.

CAP. XVII.

An Act for laying a Duty on all Teas imported into this Province.
Passed the 24th of March, 1819.

[*Expired.*]

CAP. XVIII.

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

Passed the 24th of March, 1819.

Repealed and the Act to which this was an amendment has since expired.

CAP. XIX.

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

Passed the 24th of March, 1819.

(*Obsolete.*)

Anno

Anno Regni GEORGII III.

Britanniarum Regis,

Anno Sexagesimo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the first day of February, Anno Domini, one thousand eight hundred and twenty, in the sixtieth 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 Seven General Assembly convened in the said Province.

CAP. I.

An Act to continue and amend an Act, intituled "An Act for raising a Revenue in this Province," and to repeal the one made in amendment thereof.

Passed the 20th of March, 1820.

[Expired.]

CAP. II.

Refer to 36 Geo. 3, c. 15. An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews.

Passed the 20th of March, 1820.

Preamble.

WHEREAS the sums heretofore granted to the President and Trustees of the Grammar School established in the Town of Saint Andrews, for the support of the said Grammar School, have been found insufficient for the purposes intended---

I. Be

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That there be annually included in the estimate of the ordinary expences of the Province, and granted to the President and Trustees of the said Grammar School, in addition to the sum of one hundred Pounds heretofore granted, the sum of one hundred Pounds, to be applied by them towards the support of the said School, and to defray the contingent expences thereof.

Additional annual grant of £100.

II. *And be it further enacted,* That this Act shall continue and be in force for the term of three years, and thence until the end of the then next Session of the General Assembly.

Limitation.

Continued by 4 Geo. 4, c. 15, for 3 years.

CAP. III.

An Act to continue and make perpetual the Act for the preservation of River and Sea Banks or Dykes, that is near expiring.

Passed the 20th of March, 1820.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the fifty-sixth year of His Majesty's Reign, intituled "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," be, and the same is hereby continued and made perpetual.

Act of 56 Geo. 3, c. 9, made perpetual.

CAP. IV.

An Act to make perpetual several Acts of the General Assembly that are near expiring.

Passed the 20th of March, 1820.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made

Act of 39 Geo 3, c. 5.

made and passed in the thirty-ninth year of His Majesty's Reign, intituled, "An Act for
 "regulating the Fisheries in the County of
 "Northumberland," also an Act made and
 54 Geo 3, c. 6. passed in the fifty-fourth year of His Majesty's
 Reign, intituled "An Act for the bet-
 "ter regulation of Licences to Inns, Ta-
 "verns, and Houses, for selling strong
 "Liquors by retail," also another Act made
 54 Geo 3, c. 12. and passed in the fifty-fourth year of His
 Majesty's Reign, intituled "An Act to em-
 "power 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
 56 Geo. 3, c. 2. "the said County," also an Act made and
 passed in the fifty-sixth year of His Majesty's
 Reign, intituled "An Act in amend-
 "ment of an Act, intituled an Act, for re-
 "gulating the Fisheries in the County of
 "Northumberland," also another Act made
 56 Geo. 3, c. 17. and passed in the fifty-sixth year of His
 Majesty's Reign, intituled "An Act more
 "effectually to provide for the support of a
 "Nightly Watch in the City of Saint John,"
 56 Geo. 3 c. 23, also another Act made and passed in the fifty-
 since expired, sixteenth year of His Majesty's Reign, inti-
 tuled "An Act to encourage the establish-
 58 Geo. 3, c. 16. "ment of Schools in this Province," also an
 Since expired, Act made and passed in the fifty-eight year
 of His Majesty's Reign, intituled "An Act
 "in addition to and in amendment of an Act,
 "intituled an Act to encourage the establish-
 58 Geo. 3, "ment of Schools in this Province:" and also
 c 19 (Obsolete.) another Act made and passed in the fifty-
 eighth

eighth year of His Majesty's Reign, intituled "An Act for regulating the inspection of Fish for home consumption," be, and the same Acts are hereby declared to be continued and in full force for three years, continued for 3 years. and thence to the end of the then next Session of the General Assembly.

CAP. V.

An Act for altering the Terms of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of King's. Refer to 42 Geo. 3, c. 21.

Passed the 20th March, 1820.

This Act is now rendered Obsolete by the 3d Geo. 4, c. 12, altering the Term back to the 1st Tuesday in March.

CAP. VI.

An Act to confirm the Charter of the Madras School in New-Brunswick, and to extend the powers of the Governor and Trustees of the same.

Passed the 20th of March, 1820.

WHEREAS by His Majesty's Royal Charter, or Letters Patent under Preamble. the Great Seal of this Province, bearing date the twenty-third day of August, in the year of our Lord one thousand eight hundred and nineteen, and in the fifty-ninth year of His Majesty's Reign, a Corporation was erected and created, with perpetual succession, by the name of "The Governor and Trustees of the Madras School in New-Brunswick," with certain powers, rights, and privileges, as are in the same Royal Charter or Letters Patent expressed and contained---

I. *Be it therefore enacted by the Lieutenant-Governor Council and Assembly, That the same* The Charter of the Corporation of the Governor

& Trustees of the
Madras School,
declared to be
good and valid in
Law.

Charter or Letters Patent be, and the same are hereby declared to be good, valid, perfect, authentic, and effectual, in the Law, and shall stand, and be taken, reputed, deemed, and adjudged good, perfect, sure, available, authentic, and effectual in the Law, according to the tenor and effect of the same Charter or Letters Patent; and that the same be, and are to all intents and purposes hereby ratified and confirmed.

Ratified and confirmed.

II. *And whereas* in and by the said Charter, or Letters Patent, it is declared, "that it shall be the duty of the said Governor and Trustees of the Madras School in New-Brunswick, (among other things) to hold and keep the Central School always in the City of Saint John, and to extend the benefits of the Institution to every other part of the Province, from time to time, and as often as the funds and means of the said Corporation will enable them so to do." *And whereas* provision may hereafter be made for the establishment of Branches of the said Provincial School, to be held and kept at the Seat of Government of the said Province, in Fredericton, and other parts of the Province: *Be it therefore further enacted,* that special meetings of the same Governor and Trustees of the Madras School in New-Brunswick, may be summoned and held, in the manner as pointed out in and by the said Charter and Letters Patent, at the said Seat of Government of the said Province, solely for the regulation and government of any such other Schools as may hereafter be established in the Province, under the direc-

Special meetings
of the said Go-
vernor and Trus-
tees, may be held
at the seat of Go-
vernment,

solely for regula-
tion of such other
Schools as may be
established in the
Province, under
their direction.

tions

tion of the said Governor and Trustees of the Madras School in New-Brunswick; at which said special meetings the Clerk and Treasurer of the said Corporation may severally attend, either in person or by deputy, as they shall from time to time find the same to be convenient.

Clerk and Treasurer may attend in person or by deputy.

CAP. VII.

An Act to enable the Justices of the Supreme Court to enlarge the time of the sittings of the said Court, when the same shall be expedient.

Passed the 20th of March, 1820.

WHEREAS it frequently happens that the established duration of the terms of the Supreme Court is not sufficient for the requisite trial of causes and the hearing of matters depending in the said Court---

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Justices of the said Court, if they shall deem the same to be expedient, to adjourn the sittings of the said Court to the week next succeeding the said terms respectively, and that all causes and matters heard and determined on any day during the week next succeeding the said terms respectively, pursuant to such adjournment, shall have the same and the like force and effect, to all intents and purposes, as if such causes and matters had been heard and determined at any time during the said terms respectively, and that all parties concerned shall take due notice of such adjournments, from time to time respectively, and govern themselves

The Justices of the Supreme Court may adjourn the sittings to the next week succeeding the Terms.

All causes and matters heard and determined in the week next succeeding the said Terms, shall have force and effect. Parties concerned to take due notice, &c.

But no trials by Jury shall be had at adjourned sittings.

accordingly: subject always to such rules and regulations as may by the Justices of the said Court, from time to time in that behalf, be made and established. *Provided* that no trials of any issues by Jury shall be had at any such adjourned sittings; any thing herein contained to the contrary notwithstanding.

The days of teste and return of Writs, to remain as heretofore

II. *Provided also and be it further enacted,* That the days of the teste and return of all Writs in the said Court, shall be and remain the same as heretofore established; any thing in this Act to the contrary thereof in anywise notwithstanding.

CAP. VIII.

Refer to 57 Geo. 3. c. 5.

An Act to explain, amend, and continue an Act, intituled "An Act to encourage the raising of Bread-Corn on new Land."

Passed the 22d of March, 1820.

Preamble.

WHEREAS doubts have arisen, whether in and by the first section of an Act made and passed in the fifty-seventh year of His Majesty's Reign, intituled "An Act to encourage the raising of Bread-Corn on new land," persons raising grain on new land are not entitled to receive the bounty on two crops of grain, provided the same is raised within two years from the time when the wood thereon shall have been cut down, burned, or cleared off the said land.---To prevent such doubt in future,

Bounties not to be received for more than one crop on the same new land.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That no person, or persons shall be entitled to receive any of the bounties, by the said Act given, for more than one crop of grain raised on the same new land in this Province.

And

And whereas it is found expedient to limit the lowest quantity of grain that shall be entitled to any of the bounties allowed in and by the said Act.

II. *Be it therefore further enacted*, That no person or persons shall be entitled to any of the bounties allowed in and by the said Act, unless the quantity of the different kinds of grain so raised by such person or persons, and for which the said bounties are claimed, shall amount in the whole to ten bushels.

Nor for a less quantity than ten Bushels.

III. *And be it further enacted*, That to the oath required to be taken by the owner or occupier of the land, as set forth in the said section of the said Act, there be added the following words after the words "was taken off," viz. "and that they were of the first and only crop of grain raised on land from which the wood was so cut down, burnt, or cleared off, as aforesaid."

Oath required.

IV. *And be it further enacted*, That the said Act be, and the same is hereby further continued (excepting where the same is hereby altered and amended) and declared to be in full force for five years, and thence to the end of the then next Session of the General Assembly.

Limitation.

CAP. IX.

An Act to provide for the cancelling the Treasury Notes that have been issued in this Province.

Refer to 58 Geo. 3, c. 15, and 59 Geo. 3, c. 1.

Passed the 22d of March, 1820.

WHEREAS the greater part of the Notes which have been issued pursuant to an Act made in the fifty-eighth year

Preamble.

of His Majesty's Reign, intituled "An Act
 "to provide for punctuality of payment at
 "the Treasury," are now in the Treasury,
 and it is expedient that the remainder should
 also be called in and cancelled---

All notes now in
 the Treasury to
 be cancelled be-
 fore the first of
 June, 1820.

I. *Be it therefore enacted by the Lieutenant-Governor Council and Assembly,* That all the Notes now in the Treasury, amounting to eight thousand one hundred and forty-nine Pounds, five Shillings, be cancelled by the Treasurer, on or before the first day of June next ensuing, in the presence of the Hon. Ward Chipman, Hugh Johnston, and John Ward, Esquires, or any two of them, who shall give to the Treasurer a certificate of the number and amount of the notes so cancelled.

The Treasurer to
 give notice to
 holders of Notes
 to bring the same
 in for payment,
 in money or
 Notes, bearing
 interest

II. *And be it further enacted,* That the Treasurer shall within one month after the passing of this Act, by advertisement in the Royal Gazette, call upon all persons holding any of the Treasury Notes now outstanding, to bring in the same, on or before the first day of October next, and receive payment thereof, either in money or in a note or notes, in part of the loan authorized by an Act made and passed in the fifty-ninth year of His Majesty's Reign, intituled "An Act to enable the Province Treasurer to borrow the sum of nine thousand Pounds, for paying off bounties and other debts payable by the Laws of this Province."

Notes so brought
 in, to be cancelled

III. *And be it further enacted,* That the Treasury notes so brought in, shall be cancelled by the Treasurer in the presence of the persons named in the first section of this Act,

Act, or any two of them, who shall give to the Treasurer a certificate of the number and amount of the notes so cancelled.

CAP. X.

An Act to increase the Fees of Marshals in the City Court of the City of Saint John, in certain cases.

Passed the 25th of March, 1820.

WHEREAS the Fees at present established for Marshals, in the City Court of the City of Saint John, on certain Processes issuing out of the said Court, are found insufficient and inadequate to the duty performed---

Preamble.

Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, the fee to the Marshal on every summons issuing out of the said Court, and served by such Marshal, shall be one shilling; and on every attachment, so issuing and served, shall be one shilling and six-pence; any law, usage, or custom to the contrary notwithstanding.

Marshals' Fees.

CAP. XI.

An Act to authorize and empower the Inferior Courts of Common Pleas in the respective Counties in this Province, to appoint Commissioners to take Bail in the same Courts.

Passed the 25th of March, 1820.

WHEREAS great inconvenience has arisen in distant parts of the different Counties in this Province, in putting in special bail in the Inferior Courts of the respective Counties, for want of Commissioners being appointed to take the same---

Preamble.

Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That from and

The Inferior Courts of Common Pleas, may

appoint Commis-
sioners to take
Bail in the same
Court.

and after the passing of this Act, it shall and may be lawful for the respective Inferior Courts of Common Pleas in the several Counties of this Province, to appoint Commissioners to take bail in the same Courts, in such distant parts of their respective Counties, as the majority of the Justices of any of the said Courts, in term assembled, shall at any time or times, see fit and necessary; and such Commissioners to take bail as aforesaid, shall be appointed by the said Inferior Courts aforesaid, in the same manner as Commissioners to take bail are appointed in the Supreme Court.

CAP. XII.

An Act for granting Bounties on Grain raised in this Province.

Passed the 25th of March, 1820.

Repealed by 4 Geo. 4, c. 13.

CAP. XIII.

An Act to incorporate sundry persons by the name of *The President, Directors, and Company of the Bank of New-Brunswick.*

Passed the 25th of March 1820.

WHEREAS it is thought that the establishment of a Bank at the City of Saint John, would promote the interests of the Province by increasing the means of circulation—

I. Be it enacted by the Lieutenant-Governor Council and Assembly, That the Honorable John Robinson, the Honorable William Black, the Honorable Samuel D. Street, Henry Wright, Hugh Johnston, Thomas Millidge, Nehemiah Meritt, Ward Chipman, jun. Zalmon Wheeler, Robert Pagan, Peter Fraser,

Preamble.

Names of persons to be a Body Corporate styled The President, Directors, & Co of the Bank of New-Brunswick.

Fraser, Harry Peters, John Campbell, Charles I. Peters, Henry Smith, Mark Needham, Thomas Wyer, jun. Christopher Scott, Elijah Miles, and William Botsford, their associates, successors, or assigns, be, and they are hereby declared to be, a Body Corporate, by the name of *The President, Directors, and Company of the Bank of New-Brunswick*, and that they shall be persons able and capable in law to have, get, receive, take, possess, and enjoy, houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattles, and all other things, real, personal, or mixt, and also to give, grant, let, or assign, the same, or any part thereof, and to do and execute all other things in and about the same, as they shall think necessary for the benefit and advantage of the said Corporation, and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in the Court or Courts of Law and Equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes, and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of sueing and being sued, pleading and of being impleaded, answering and of being answered unto, and also that they shall have one common seal to serve for the en sealing of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignment, powers and warrants of Attorney, and all and singular their

Capable to sue
and be sued, &c.

Shall have a Com-
mon Seal.

The President, Directors, and Company, may make Laws for government of the said Corporation.

their affairs and things touching and concerning the said Corporation, and also that they the President, Directors, and Company, or the major part of them, shall from time to time and at all times, have full power, authority and licence; to constitute, ordain, make, and establish, such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation. *Provided* that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws and statutes of this Province.

Capital to amount to £50,000.
 Note. This Section Repealed except what relates to division of Shares into 50 each, by 2 Geo. 4, c. 20, and the capital Stock reduced to £30,000.

In shares of £50 each.

II. *And be it further enacted*, That the *Capital or Stock of the said Corporation shall consist of current Gold and Silver Coins of the Province to the amount of fifty thousand Pounds*; the sum of twenty five thousand Pounds, one half part thereof, to be paid in current Gold and Silver Coins of the Province, on or before the first day of September next; and the further sum of twenty five thousand Pounds, the residue thereof, on or before the first day of September, which will be in the year one thousand eight hundred and twenty-one; the whole amount of said Stock to be divided into shares of fifty Pounds each, making in the whole one thousand shares.

The Corporation may hold Lands, &c. not exceeding £3000,

III. *And be it further enacted*, That the said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy, in fee simple, any lands, tenements, real estates, and rents, to the amount not exceeding

exceeding three thousand Pounds: *Provided nevertheless*, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever by mortgage, taken as collateral security for the payment of any sum or sums of money advanced by, or debts due to the said Corporation. *Provided further*, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other fixed property, nor such be purchased by the said Corporation upon any pretext whatever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

or to any amount by mortgage, as collateral security.

Shall not lend money on mortgage, &c.

IV. *And be it further enacted*, That whenever three hundred shares shall have been subscribed of the said Capital Stock, a general meeting of the Members and Stockholders of the said Corporation, or the major part of them, shall take place, by notice in one or more of the public newspapers thirty days previous to such meeting, for the purpose of making ordinary and establishing such by-laws, ordinances, and regulations, for the good management of the affairs of the said Corporation, as the Members and Stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing thirteen Directors, being Stockholders and Members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen, shall serve until the first annual meeting for choice of Directors, and shall have full power and authority

When 300 shares shall have been subscribed, a general meeting of the Members to be called.

To make ordinary and bye-laws, &c.

and choosing 13 Directors, to continue in office one year.

authority to manage the concerns of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting, the Members and Stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the Stock and profits thereof, which being entered on the books of the said Corporation, shall be binding upon the said Stockholders, their successors, and assigns.

Annual meeting
of Stockholders.

V. *And be it further enacted,* That there shall be a general meeting of the Stockholders and Members of the said Corporation, to be annually holden on the first Monday in May in each and every year, at the City of Saint John; at which annual meeting there shall be chosen, by a majority of the said Stockholders and Members of the said Corporation, thirteen Directors, who shall continue in office for one year, or until others are chosen in their room; in the choice of which Directors, the Stockholders and Members of the Corporation shall vote according to the rule hereinafter mentioned; and the Directors when chosen, shall at their first meeting after their election, choose out of their number, a President. *Provided always,* that seven of the Directors in Office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

President, how to
be chosen.

Directors to ap-
point Officers,
Clerks, &c.

VI. *And be it further enacted,* That the
Directors

Directors for the time being shall have power to appoint such Officers, Clerks, and Servants, as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services, as to them shall appear reasonable and proper; all which, together with the expences of Buildings, House-rent, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye-laws and regulations of the same.

VII. *And be it further enacted,* That not less than seven Directors shall constitute a Board for the transaction of business, of which the President shall always be one, excepting in case of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead---that the President shall vote at the Board as a Director---and in case of their being an equal number of votes for and against any question before them, the President shall have a casting vote.

Not less than ;
Directors to constitute a Board.

VIII. *And be it further enacted,* That no Director shall be entitled to any salary or emolument for his services; but that the Stockholders and Members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

No Director to have a salary.

IX. *And be it further enacted,* That no person

No person holding less than ten

shares, to be a
Director.

person shall be eligible as Director, unless such person is a Stockholder and holding not less than ten shares of the capital stock of the said Corporation.

Sureties for the
Cashiers and
Clerks.

X. *And be it further enacted,* That every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties, to be approved of by the Directors, that is to say, every Cashier in a sum not less than ten thousand Pounds, with a condition for his good and faithful behaviour, and every Clerk, with the like condition and sureties, in such sum as the Directors shall deem adequate to the trust reposed in him.

Number of votes
of Stockholders.

XI. *And be it further enacted,* That the number of votes which each Stockholder shall be entitled to on every occasion when in conformity to the provisions of this Act, the votes of the Stockholders are to be given, shall be in the following proportion, that is to say,—For one share and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; which said number of ten votes shall be the greatest that any Stockholder shall be entitled to have.

Stockholders may
vote by proxy.

XII. *And be it further enacted,* That all Stockholders resident within this Province or elsewhere, may vote by proxy, provided that such proxy be a Stockholder, and do produce sufficient authority from his constituent or constituents so to act.

XIII.

XIII. *And be it further enacted,* That no Member of the said Corporation during the first six months, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than twenty shares of the said capital stock; that if the whole of the said capital stock shall not have been subscribed within the said six months, so to be accounted as aforesaid, that then and in such case it shall be lawful for any Stockholder or Stockholders to increase his, her, or their subscription, to thirty shares. *Provided always,* that no Stockholder shall be permitted to hold more than fifty shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operation.

For the first six months, no Member shall hold more than 20 Shares,

not more than 50 shares alter, unless by purchase.

XIV. *And be it further enacted,* That the Directors be, and they are hereby authorized to fill up any vacancy that shall be occasioned in the Board by the death, resignation, or absence from the Province for three months, of any of its Members; but that in the case of the removal of a Director by the Stockholders, for misconduct or mal administration, his place shall be filled up by the said Stockholders, and the person so chosen by the Directors or the Stockholders, shall serve until the next succeeding annual meeting of the Stockholders.

Vacancies in the Board to be filled up by the Directors.

XV. *And be it further enacted,* That before any Stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors, in two of the newspapers published in this Province,

Notice to be given when Stockholders are required to make payment

Province, of the time and place of such payment.

When the operations are to commence.

XVI. *And be it further enacted,* That as soon as the sum of fifteen thousand Pounds shall have been actually paid in on account of the subscriptions to the said Stock, notice thereof shall be given in two of the newspapers published in this Province, and the Directors shall commence with the business and operations of the Bank of the said Corporation. *Provided always,* that no Bank Bills or Bank Notes shall be issued or put in circulation, nor any Bill or Note be discounted at the said Bank, until the said sum of fifteen thousand Pounds shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

Shares to be assignable.

XVII. *And be it further enacted,* That the shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due and payable to the said Corporation---that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable---that whensoever any Stockholder shall transfer in manner aforesaid, all his stock or shares in the said Bank, to any other person or persons whatever, such
Stockholder

Stockholder shall cease to be a Member of the said Corporation.

XVIII. *And be it further enacted,* That the said Company shall not directly or indirectly deal in any thing excepting in Bills of Exchange, Gold or Silver Bullion, or in the sale of Goods really and truly pledged for money lent and not redeemed in due time, or in the sale of Stock pledged for money lent and not so redeemed; which said Goods and Stock so pledged, shall be sold by the said Corporation at public sale, at any time not less than thirty days after the period for redemption; and if upon such sale of Goods or Stock, there shall be a surplus, after deducting the money lent, together with the expences of sale, such surplus shall be paid to the proprietors thereof respectively.

The Company shall not deal in any thing but Bills of Exchange Gold and Silver, or in sale of Goods pledged.

XIX. *And be it further enacted,* That the joint stock or property of the said Corporation, shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation, shall, on any pretence whatsoever, have recourse against the separate property of any present or future Member of the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the funds of the said Corporation.

The joint stock alone responsible for the debts.

XX. *And be it further enacted,* That every Bond, Bank Bill, or Bank Note, or other Instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall spe-

Bonds, Bills, Notes, &c. shall declare payments to be made from joint Funds of Corporation.

cially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint fund of the said Corporation.

Total amount of the debts shall never exceed twice the amount of the Capital Stock.

XXI. *And be it further enacted,* That the total amount of the debts which the said Corporation shall at any time owe, whether by Bond, Bill, or Note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the Stockholders; and in case of any excess, the Directors, under whose administration and management the same shall happen, shall be liable for such excess in their natural and private capacities. *Provided always,* that the lands, tenements, goods, and chattels of the said Corporation, shall also be liable for such excess.

Directors to make half-yearly dividends.

XXII. *And be it further enacted,* That the Directors shall make half-yearly dividends of all the profits, rents, premiums, and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in two of the newspapers published in this Province.

Books, &c. to be subject to inspection of the Directors.

XXIII. *And be it further enacted,* That the books, papers, correspondence, and funds, of the said Corporation, shall at all times be subject to the inspection of the Directors, but no Stockholder, not a Director, shall inspect the account of any individual with the said Corporation.

Bills or notes to be signed by the President and Cashier.

XXIV. *And be it further enacted,* That all the Bills or Notes issued by the said Corporation, shall be signed by the President for

for the time being, and countersigned and attested by the Cashier, and shall be printed and made in stereotype plates, and all Bills or Notes so signed and countersigned, shall be binding on the said Corporation.

XXV. *And be it further enacted,* That the said Corporation shall be liable to pay to any bona fide holder, the original amount of any Note of the said Bank, which shall have been counterfeited or attested in course of its circulation to a larger amount, notwithstanding such alteration.

The Company to pay to a bona fide holder, the original amount of any altered Note.

XXVI. *And be it further enacted,* That the said Bank shall be kept and established at the City of Saint John, or at such other place as the Board of Directors may think it necessary to remove the said Bank, on account of any great emergency, for the security thereof.

The Bank to be kept at St. John.

XXVII. *And be it further enacted,* That the Directors shall at the general meeting, to be held on the first Monday in May in every year, lay before the Stockholders, for their information, an exact and particular statement of the amount of debts due to, and by the said Corporation, the amount of Bank Notes then in circulation, the amount of Gold and Silver on hand, and the amount of such debts as are, in their opinion, bad or doubtful, also the surplus or profit, if any remaining after deduction of losses and provisions for dividends; which statement shall be signed by the Directors, and attested by the Cashier, and a duplicate statement, so signed and attested, shall be transmitted to the Secretary of the Province, for the infor-

General meeting to be held on first Monday in May in each year.

mation of His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, and the Honorable His Majesty's Council. *Provided always*, that the rendering of such statement shall not extend to give any right to the Stockholders, not being Directors, to inspect the account of any individual or individuals with the said Corporation.

XXVIII. *And be it further enacted*, That any joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall, either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

XXIX. *And be it further enacted*, That any number of Stockholders, not less than sixty, who together shall be proprietors of three hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the Stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the objects thereof, and the Directors, or any seven of them, shall have the like power at any time (upon observing the like formalities) to call a general meeting as aforesaid.

XXX. *And be it further enacted*, That on any dissolution of the said Copartnership, immediate

Committees of the Legislature to have access to the Books, &c.

Any number not less than sixty Stockholders may call a general meeting.

On any dissolution, measures to

immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said Corporation and for dividing the capital and profits which may remain among the Stockholders, in proportion to their respective interests.

be taken by the Directors for closing the concern, &c.

XXXI. *And be it further enacted,* That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

Limitation.

See further 2 Geo. 4, c. 20.

XIV.

An Act in addition to an Act, intituled "An Act to authorize the Justices of the Peace for the City and County of Saint John; to levy an assessment on the Inhabitants of the said City, for the purpose of building a Poor-House in the said City."

Refer to 59 Geo. 3, c. 3.

Passed the 20th of March, 1820.

WHEREAS in and by an Act made and passed in the fifty-ninth year of the Reign of His present Majesty's intituled "An Act to authorize the Justices of the Peace for the City and County of Saint John, to levy an assessment on the Inhabitants of the said City, for the purpose of building a Poor-House in the said City," the Justices of the Peace for the said City and County of Saint John, in their General Sessions of the Peace, were authorized and empowered to raise by assessment upon the Inhabitants of the said City, a sum not exceeding seven hundred and fifty Pounds, for erecting, building, and finishing a Poor-House in the said City, for the reception and support of the Poor of the said City.

Preamble.

And whereas the said sum of seven hundred and fifty Pounds has been found insufficient for that purpose,

Justices authorized to raise a further sum not exceeding £500, for finishing the Poor House in St. John.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly;* That the said Justices of the peace, in their General Sessions, or the major part of them, are hereby authorized and empowered to raise by assessment within the said City, such further sum as in their opinion may be necessary, not exceeding the sum of five hundred Pounds, for building and finishing the said Poor-House in the said City.

To be assessed in like manner as any rate for support of the Poor in said City.

II. *And be it further enacted,* That such farther sum so deemed by the Justices as necessary for the aforesaid purpose, shall be assessed, levied, and collected, in the same manner as any rate or assessment for the support and relief of the Poor in the said City can or may be rated, assessed, levied, and collected, by virtue of any law now in force, or hereafter to be made, for the like purpose, and to be paid into the hands of such person as the said Justices of the Peace, in their General Sessions, or the major part of them, shall appoint, to be applied to and for the purpose abovementioned.

See further 2, Geo. 4, c. 1.

CAP. XV.

An Act to provide for sick and disabled Seamen, not being Paupers, belonging to the Province.

Passed the 25th of March, 1820.

Preamble.

WHEREAS it has become expedient to provide for such sick and disabled Seamen, who may hereafter be brought into this

this Province, and are not Paupers of any Parish within the same—

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the passing of this Act, every ship or vessel that shall arrive at any port or place within this Province, and shall be of the burthen of sixty tons, or upwards, shall pay to the Treasurer of the Province, or his Deputy at the port or place where such ship or vessel may arrive, the sum of one penny per ton for every registered ton such ship or vessel shall be rated at; which said sum of one penny shall be paid as aforesaid, by the master, owner, or consignee, at the time of entry, at the office of the Treasurer of the Province, or his Deputy, and before breaking bulk or discharging any ballast, at such port or place where such ship or vessel shall so arrive.

Every vessel above 60 tons, to pay one penny per ton on arrival at any port.

II. *And be it further enacted,* That the duty imposed by this Act, when paid as aforesaid, shall be paid over by the Treasurer of the Province, or his Deputy, to the Overseers of the Poor at such port or place where such duty shall be levied and collected in and by virtue of this Act, by warrant under the hand and seal of the Lieutenant-Governor or Commander-in-Chief (by and with the advice and consent of His Majesty's Council) for the time being.

To be paid over by the Treasurer to the Overseers of the poor at such port,

by warrant under the hand of the Lieut Governor

III. *And be it further enacted,* That the Overseers of the Poor in such ports or places where such duties shall be collected as herein-before mentioned, shall render an account of the expenditure of such monies, for such

The Overseers of the Poor shall render an account under oath, to the Justices.

sick

sick and disabled Seamen as may be relieved by the provisions of this Act, under oath, to the Justices of the Peace, at any General Session, within such County where such expenditure shall be made, at least once in every year, which account so rendered, shall be by them transmitted to the Treasurer of the Province.

IV. *Section repealed by 3 Geo. 4, c. 27, § 9.*

Master, owner, or consignee, may take 6d per month from Seamen's wages, for the said tonnage duty.

V. *And be it further enacted*, That the master, owner, or consignee, of any ship or vessel owned in this Province, may, and they are hereby authorized to demand and take from the wages of every mate, seamen, or other person employed and articulated for the management and navigation of any such ship or vessel, the sum of sixpence per month, to cover the amount of the tonnage duty arising in and by virtue of this Act.

Coasting vessels not liable more than once in a year.

VI. *And be it further enacted*, That this Act shall not extend, or be construed to extend, to make any vessel or vessels denominated and known coasters, liable to pay the said tonnage duty herein-before imposed, more than once in each and every year, and to be paid by such vessel or vessels at the first time of entry into any port or place within this Province, in each and every year.

VII, *and last Section repealed by 3, Geo. 4, c. 27, § 12.*

See further 2 Geo. 4, c. 10, and 3 Geo. 4, c. 27.

CAP. XVI.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the Navigation of certain Rivers therein.

Passed the 25th of March, 1820.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That there be allowed and paid out of the Treasury of this Province, to such person or persons as His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being shall appoint, in addition to the sums already granted by law, and remaining unexpended, the following sums for the purposes hereafter mentioned, that is to say :

Sums to be paid for Roads,

The sum of thirty pounds, towards improving the road from Fredericton to the Maryland settlement.

From Fredericton to Maryland,

The sum of one hundred and fifty pounds, towards improving the roads and bridges from the river Nashwacksis to the mouth of the Kiswick Creek.

Nashwacksis to mouth of the Keswick river.

The sum of forty pounds, towards opening a road from the Nashwacksis to the head of the Cardigan settlement of Welsh Emigrants.

Nashwacksis to head of Cardigan settlement.

The sum of twenty-five pounds, towards opening a road from John M'Keens, on the Mactuquach stream, to the new settlement in the rear thereof.

John M'Keen's to the settlement in the rear of Mactuquach.

The sum of ten pounds, towards improving the road from the Nashwacksis mill to Ham-Town settlement.

Nashwacksis mill to Ham-Town.

The sum of forty pounds, towards opening a road from the settlement of Emigrants on the nine mile Lake (Prince William) to the river.

Lake George, rear of Prince William, to the river.

The

- From George Jones' to Jacob Ellegood's. The sum of fifty pounds, towards improving the roads from George Jones' to Jacob Ellegood's.
- Jacob Ellegood's to A. Allan's. The sum of fifty pounds, towards improving the road from Jacob Ellegood's to Adam Allan's on the Poquiock.
- Ingraham's mill to Eel river. The sum of twenty-five pounds, towards improving the road from Ingraham's mill to Eel river.
- Poquiock to Ingraham's mill. The sum of twenty-five pounds, towards improving the road from the Poquiock to Ingraham's Mill.
- Eel river to Woodstock ferry. The sum of twenty-five pounds, for the road from Eel river to Woodstock Ferry.
- Woodstock to Richmond settlement. The sum of fifty pounds, towards improving the road from Woodstock to the Richmond settlement.
- Richmond to the settlement in rear thereof. The sum of thirty pounds, towards opening the road from Richmond settlement to a new settlement in the rear thereof.
- From the river to Jackson settlement. The sum of forty pounds, towards opening a road from the river to the Jackson settlement.
- From J. Wolverton's to R. Phillips'. The sum of fifty pounds, for the road from Joseph Wolverton's to Robert Phillips', Northampton.
- From R. Phillips' to E. Tompkin's. The sum of fifty pounds, for the road from Robert Phillips' to Elijah Tompkin's.
- From Tompkins' to Tobique river. The sum of seventy pounds, towards opening the road from Elijah Tompkins' to the Tobique river, on the east side.
- From Tobique to Salmon river. The sum of thirty pounds, towards opening the road from the river Tobique to Salmon river, on the east side.
- Pennyack road. The sum of thirty pounds, towards improving the Pennyack road leading from Henry

Henry White's upper line to the Pennyack settlement.

The sum of one hundred and seventy-five pounds, to explore, lay out, and open a road from the river Nepisigwit to the river Restigouche.

River Nipisigwit
to Restigouche.

The sum of fifty pounds, to open and improve a road from the new settlement near the head of the tide on Napan river, to the river Miramichi, near the Church in Chatham.

Napan river to the
Miramichi, near
the Church in
Chatham.

The sum of fifty pounds, towards opening and improving a road through the Indian land, from Caul's Cove to Patrick Taylor's.

From Caul's Cove
at Pat Taylor's

The sum of fifty pounds, towards completing a bridge across Fleet's Cove in the Parish of Nelson.

Bridge over
Fleet's Cove.

The sum of fifty pounds, towards completing a bridge over Clark's Cove, in the Parish of Chatham.

Bridge over
Clark's Cove

The sum of twenty pounds, towards exploring, laying out, and opening a road from the new settlement on the river Napan near the head of the tide, to Black river.

Napan to Black
river.

The sum of forty pounds, towards improving the road from Black river to Dennis' Creek.

Black river to
Dennis' Creek.

The sum of twenty pounds, towards improving the road from Neguac to Tabusintack.

Neguac to Tabu-
sintack.

The sum of twenty pounds, towards improving the road from Tabusintack to Tracady.

Tabusintack to
Tracady.

The sum of forty pounds, towards improving the road from Tracady to Caraquet.

Tracady to Cara-
quet.

Point Escuminac
to Richibucto.

The sum of one hundred pounds, from Point Escuminac to Richibucto.

Richibucto to
Buctouche.

The sum of seventy-five pounds, from Richibucto to Buctouche.

Buctouche to
Shediac.

The sum of seventy-five pounds, from Buctouche to Shediac.

From R. Currie's
to the Thoroughfare.

The sum of two hundred pounds, for the road from the river Saint John, near Richard Currie's, to the Thoroughfare.

Newcastle to Lo-
dowick Cypher'.

The sum of sixty pounds, for the road from New-Castle to Lodowick Cypher's.

Grand Lake to
Washademoak,

The sum of fifty pounds, for the road from the Grand Lake to the Washademoak Lake.

Cumberland
Point to Widow
Wiggins'.

The sum of sixty pounds, for the road from Cumberland Point to the Widow Wiggins'.

New-Canaan to
Studholm's mill-
stream.

The sum of fifty pounds, from the Canaan settlement to Studholm's mill-stream.

George Henry's
to Jemseg.

The sum of twenty pounds, for the road from George Henry's to the Jemseg.

New-Ireland to
Marcus Palmer's.

The sum of twenty-five pounds, for the road from the New-Ireland settlement to Marcus Palmer's.

Settlement rear of
Kimball's grant
to river St. John

The sum of twenty-five pounds, for the road from the settlement back of Kimball's grant to the river Saint John.

George Henry's
to the great road
near Brigg's,

The sum of twenty-five pounds, from George Henry's to the great road, near Brigg's.

Long Creek to the
road near Stud-
holm's mill
stream.]

The sum of twenty-five pounds, for to open a road from Long Creek, near the head of Washademoak Lake, to the great road near the Studholm mill-stream.

Gondelo Point to
the County line
near Murphy's

The sum of eighty pounds, for the road from Gondelo Point to the County line, near Murphy's.

The

The sum of thirty-five pounds, for the road from Pickett's mill to the Kennebeckasis. Pickett's mill to the Kennebeckasis.

The sum of twenty-five pounds, for the road from Lewis Pickett's to the head of the Belleisle. L. Pickett's to head of Belleisle.

The sum of thirty pounds for the road from Hume's to the settlement back of Long Island. Hume's to settlement back of Long Island.

The sum of twenty pounds, for the road from Bate's to Bostwick's. Bates' to Bostwick's.

The sum of thirty-five pounds, for the road from Bate's mill-pond to Hume's. Bates' mill-pond to Hume's.

The sum of twenty pounds, for the road from the Long Reach to Elston's, on the Kennebeckasis. Long Reach to Elston's

The sum of twenty pounds, for the road near Jones mill, to the settlement back of Kimball's manor. Jones' Mill to back settlement.

The sum of fifteen pounds, for the road from Jones' mill to the new settlement, on the Nerespis. Jones' mill to new settlement on the Nerespis.

The sum of ten pounds, for the road round Tenant's Cove and across Belleisle Neck. Tenant's Cove & Belleisle neck.

The sum of forty pounds, for the road from the Widow Smith's to the Widow Malley's on Hammond River. Widow Smith's to widow Malley's.

The sum of twenty pounds, to assist in making a bridge over the east branch of Hammond River, on Shepody road. Bridge on the east branch of Hammond river.

The sum of twenty pounds to assist in building a bridge over the stream near Monmouth Fowler's, in Hampton. Bridge near Monmouth Fowler's

The sum of ten pounds each, for the two roads leading from the Washademoak road to the new Scotch settlements to the eastward and westward of the same. Two roads from Washademoak to the new Scotch settlements. The

- Warren's settle-
ment to main road
in Hampton. The sum of ten pounds, for the road from
Warren's settlement to the main road, in
Hampton.
- Maybee's to Ken-
nebeckasis. The sum of twenty pounds, for the road
from Maybee's to the Kennebeckasis.
- Baxter, s to settle-
ment on the north
branch of Ham-
mond river. The sum of twenty pounds, for the road
from near Joseph Baxter's to the settle-
ment on the north branch of Hammond
river.
- Seth Foster's to
head of Long
Creek. The sum of twenty-five pounds, for the
road from Seth Foster's to the head of Long
Creek, leading to the Washademoak.
- B. Kierstead's to
Rous's. The sum of ten pounds, for the road from
Benjamin Kierstead's to Rouse's.
- Widow Spicer's
to Hayward, s
land. The sum of twenty pounds, for the road
from the Widow Spicer's to the land taken
up by Hayward and others, on the old Cum-
berland road.
- Gordon's to per-
ley's. The sum of ten pounds, for the road from
Gordon's to Edward Perley's.
- Jone's to Pit-
field's. The sum of twenty pounds, for the road
from Joney's to Pitfield's.
- William Grave's
jun to Graves'
mill. The sum of ten pounds, for the road from
William Grave's jun. to Graves' mill.
- Beache's to bridge
below Hallett's. The sum of fifteen pounds, for the road
from Beache's to the Bridge below Hallett's.
- Lamb's ferry to
Townsend's. The sum of fifteen pounds, for the road
from Lamb's ferry to Townsend's.
- Lyon's to Belle-
isle Creek. The sum of ten pounds, for the road from
the Cove, near John Lyon's, to Belleisle
Creek.
- Upham's Creek,
Sussex Vale. The sum of ten pounds, for the road up
Ward's Creek, in Sussex Vale.
- Road up the Ne-
repis. The sum of fifteen pounds, for the road
leading up the Nerepis.
- The sum of ten pounds, to assist in open-
ing

ing a road round Bates' mill-pond, on the east side, to the main road near Raymond's.

Bates' mill-pond to road near Raymond's

The sum of ten pounds, for the road between the French Village and Gondelo Point.

Between French Village and Gondelo point.

The sum of fifty pounds, for building a bridge over the Morance stream, on the north-west branch of the Oromocto.

Bridge over Morance stream

The sum of fifty pounds, for building a bridge, and repairing the road from the County line, at Mr. Morgan's, to John Nason's, Rushagonish.

Bridge and road from Morgan's to Nason's.

The sum of fifty pounds, to build a floating bridge across the Thoroughfare, near John Upton's in Sheffield.

Floating bridge near John, Upton's.

The sum of twenty-five pounds, for building a bridge and repairing the road leading to Calvin's Camp's, in Lincoln.

Bridge and road to Calvin Camp's.

The sum of twenty-five pounds, towards finishing a bridge over the north branch stream, near Thomas Hart's, Oromocto.

Bridge near Thos. Hart's.

The sum of twenty-five pounds, for opening a road from Samuel Smith's in Garay, to the French Lake stream.

Sam Smith's to French Lake stream.

The sum of twenty pounds, towards improving the road from the County line to the settlement at Little river, in Sheffield.

County Line to Little river Sheffield.

The sum of twenty pounds, to open a road from the main road, in Burton, to the settlement in the rear of the front lots, near James Chase's.

From main road in Burton, to back settlement near Chase's.

The sum of thirty-five pounds, for the road from Sackville to Beaujoggin.

Sackville to Beaujoggin.

The sum of thirty-five pounds, for the road from Stephen Ward's to the Half-way House, on the Bay Verte road.

Stephen Ward's to half wayhouse.

The

- Bridge near Otter Creek. The sum of fifty pounds, for building a bridge over Gaspereau river, near Otter Creek.
- Gaspereau bridge to Shamogue. The sum of twenty-five pounds, from Gaspereau bridge to Shamogue.
- Shamogue road to Little Shamogue. The sum of twenty-five pounds, from where the road turns from the Shamogue road to the Little Shamogue.
- Bay Verte to Tignish River. The sum of fifteen pounds, for the road from the Bay Verte road to Tignish river.
- Shamogue to Beaujoggin. The sum of twenty pounds, for the road from Shamogue to Beaujoggin.
- Westcock to Maranguin. The sum of fifty pounds, for the road from Westcock to Cape Maranguin.
- Sinton's to Gildert's. The sum of twenty pounds, for the road from Sinton's to John Gildert's jun. on the Paulet river.
- Geo Colpit's to Stives'. The sum of forty pounds, for the road from George Colpit's on the Little river, to Stives', on the Dutch Village.
- Geo. Colpit's to upper settlement in Little River. The sum of fifteen pounds, for the road from George Colpit's, on the Little river, to the upper settlement on the same.
- Dutch Village to Widow Hamilton's. The sum of twenty pounds, for the road from the Dutch Village to Widow Hamilton's.
- New-Horton to Cape Enrage. The sum of twenty pounds, for the road from New-Horton to Cape Enrage.
- Dorchester Island to the main. The sum of twenty pounds for the road from Dorchester Island to the main.
- Sackville to settlement back of the mill-pond. The sum of twenty-five pounds, for the road from Sackville to the settlement back of the mill-pond.
- Settlement on the north branch of Petticodiac. The sum of twenty-five pounds, for the road in the settlement on the north branch of the Petticodiac river.

The sum of twenty-five pounds, for the road from Jacob Wortman's to the Butternut ridge. Jacob Wortman's to Butternut ridge.

The sum of twenty-five pounds, for the road from Turtle Creek bridge to the Settlement on said Creek. Turtle Creek bridge to the settlement on said Creek.

The sum of fifty pounds, for the road from Sinton's to the Dutch Village. Sinton's to the Dutch Village.

The sum of one hundred pounds, from the bridge over Gaspereau river to Cape Tormentine. Bridge over Gaspereau to Cape Tormentine.

The sum of fifty pounds, for a bridge over Beaujoggin river. Bridge over Beaujoggin river.

The sum of twenty-five pounds, for the road from the Scotch emigrant settlement, on the Cheputnecticook ridge to the County road in St. Stephen's. Scotch settlement on Cheputnecticook, to the County road in Saint Stephens.

The sum of twenty-five pounds, for the road from the Scotch emigrant Settlement, on the Bass-wood ridge to the said County road. Scotch Emigrant settlement on the Basswood ridge to the County road.

The sum of eighty pounds, for the road from Mr. Porter's mill, in St. Stephen's, to Alexander M'Allister's in St. David's, on the main road towards Fredericton from St. Stephen's. Porter's mill to A. M'Allister's.

The sum of thirty pounds, for the road from Tower-Hill to the head of Oak Bay. Tower-Hill to head of Oak Bay.

The sum of thirty pounds, for the road from the settlement on Chamcook Lake to the main road leading from St. John to St. Andrew's. Chamcook Lake to the main road.

The sum of thirty pounds, for the road from Mr. Quinton's to Mr. Pagan's mill-stream. Quinton's to Pagan's mill-stream

The sum of fifty pounds, for the road on
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- Road on the western side of Digdeguash the western side of the Digdeguash river, commencing at the Wellington bridge, on the great road to Saint John.
- Do. eastern side of Digdeguash The sum of fifty pounds, for the road on the eastern side of Digdeguash river, commencing at the bridge, near Alexander McDonald's.
- Bridge over Frost's stream The sum of fifty pounds, to aid in building a bridge over Frost's stream, near the Wellington bridge.
- Second Falls on Magagaudavic to Fredericton road The sum of one hundred and twenty pounds, for the road from the second Falls on the Magaguadavic, to the Fredericton road.
- Gray's lot, in Letete, to J. Dick's The sum of twenty-five pounds, for the road from Gray's lot, in Letete, to the main communication, near John Dick's farm.
- Orange Seeley's upper farm to Wedderhold's brook. The sum of thirty pounds, for the road from Orange Seeley's upper farm, to Wedderhold's brook.
- Pennfield settlement to St. John road. The sum of twenty pounds, towards opening the road from the Pennfield settlement, near Hand's farm, to the road leading to St. John.
- Spinney's ferry to County road, in Pennfield The sum of thirty pounds, from the Ferry, at Spinney's to the County road, in Pennfield.
- New settlement at Oak-Hill, to Wm. Maxwell's The sum of twenty pounds, for the road from the new settlement, at Oak-Hill, to William Maxwell's in St. Stephen's.
- Wm Moore's to the main road The sum of twenty pounds, for opening the road from William Moore's to the main road leading to Tower-Hill.
- Daniel Lee's to Hobart's The sum of thirty pounds, for the road leading from Daniel Lee's to Hobart's lot, on the west side of Magaguadavic river.

The sum of twenty-five pounds, for the roads between Linekin's and Samuel Connick's.

Between Linekin's & Connick's

The sum of twenty-five pounds, for the road from Mill-Town, in St. Stephen's to the settlement on the Moannes stream, in St. Stephen's.

Mill-Town to settlement on Moannes stream

The sum of fifty pounds, for improving the road from Tobin's farm, on the Hammond river, to Quaco.

Tobin's farm to Quaco

The sum of fifty pounds, for improving the road from the head of Hammond river to Hopewell.

Head of Hammond river to Hopewell.

The sum of twenty-five pounds, for improving the road from Frog-Pond to the Lower Loch-Lomond.

Frog Pond to Lower Loch-Lomond

The sum of thirty pounds, for improving the road from Yates' to the head of the Large Lake.

Yates' to head of the Large Lake.

The sum of one hundred pounds, for improving the road from the head of the Large Lake until it reaches the Quaco settlement.

Head of Large Lake to Quaco settlement

The sum of one hundred and twenty-five pounds, for improving the road from the Westmorland road to the second Lake, and to the head of the third Lake, both belonging to the chain of waters called Loch-Lomond.

From Westmorland road to second lake, and to the head of the third lake.

The sum of twenty-five pounds, for improving the road from the Westmorland road to Marks' settlement, commonly called the Golden Grove.

From Westmorland road to Golden Grove.

The sum of fifty pounds, for improving the road from Lower Loch-Lomond to the settlement at Black river.

Lower Loch Lomond to Black river

- Forks of the main road, on the marsh, to Murphy's farm. The sum of one hundred pounds, for improving the road from the Forks, on the main road on the Marsh, in the vicinity of Saint John, to Murphy's farm, on the Kennebeckasis.
- Anthony's farm to Mispick river. The sum of twenty-five pounds, from Anthony's farm, at Red Head, to Mispick river.
- Main road from Charlotte to settlement near Negro Head. The sum of fifteen pounds, for improving the road from the main road from Charlotte, to the settlement near Negro-Head.
- Main road from Charlotte to Dipper Harbour. The sum of twenty pounds, for improving the road leading from the main road from Charlotte, to Dipper Harbour.
- Removing rocks in the Nashwack Falls, &c. The sum of seventy-five pounds, towards removing rocks in the great Nashwack rapid, and making a towing path along the same.
- Chapel Bar. The sum of fifty pounds, towards improving the Chapel Bar, above Fredericton.
- Meductic Falls. The sum of one hundred and fifty pounds, towards improving the passage through the Meductic Falls, and making a towing path along the same.
- Fero's Rock. The sum of twenty-five pounds, towards removing Fero's rock, (commonly so called) in the river St. John.
- Bett's Rapid. The sum of twenty-five pounds, towards removing the rocks in Betts' rapid, in the river St. John.
- Between Presque Isle and Restook river. The sum of fifty pounds, for making a towing path and removing rocks between Presque Isle and the Restook river.
- Restook to the Grand Falls. The sum of one hundred and fifty pounds, for removing rocks and making towing paths from Restook river to the Grand Falls.
- The sum of twenty-five pounds, towards clearing

clearing out the mouth of Simonds' Creek, (so called). Clearing Simonds' Creek.

The sum of one hundred pounds, towards removing rocks and other obstacles in the Kennebeckasis river from Smith's rapids upwards. Removing rocks, &c. in Kennebeckasis river

The sum of one hundred pounds, towards removing obstructions in Leven river, leading from lower Loch-Lomond to the Bay of Fundy. Leven River

The sum of one hundred pounds, for removing rocks from the channel of the river St. Croix and its branches, within this Province. River St Croix & its branches

The sum of seventy-five pounds, for removing rocks and facilitating the navigation of the Magaguadavic, above the second Falls. Magaguadavic river, above the Falls

The sum of fifty pounds, for removing rocks from the channel of the Digdeguash river. Removing rocks in Digdeguash river

The sum of twenty-five pounds, for the removal of obstructions in the Piskehagan. Obstructions in Piskehagan

The sum of fifty pounds, for removing rocks from the channel of the south-west branch of the river Miramichi, at the Black rapids. Removing Rocks in the SW branch Miramichi, at the Black Rapids

The sum of one hundred pounds, towards removing the rocks in said river, at the White rapids. Do at the White Rapids

The sum of thirty pounds, for the road from the Bay Verte to the Bridge on Gasperreau river. From Bay Verte to bridge on Gasperreau

II. *And be it further enacted*, That the said several and respective sums of money, and every part thereof, shall be paid to the Money to be paid to the persons who labour

several and respective persons who shall actually work and labour in making, completing, and repairing the said several roads and bridges, and in improving the navigation of the said rivers, or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided :

Commissioners to
account

And that the several and respective persons who shall be entrusted with the expenditure of the said several and respective sums, shall keep an exact account of the expenditure thereof, and shall produce receipts in writing, from the several and respective persons to whom any part of the said money shall be paid, as vouchers for such 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, at their next Session: And such Commissioners, or persons intrusted with the expenditure of the said several and respective sums of money, shall stand charged and chargeable with all sums of money intrusted to them and not accounted for as foresaid, and shall repay the same into the Province Treasury.

Commissioners
for their time and
trouble, allowed
to retain 5 per
Cent.

III. *And be it further enacted,* That the said Commissioners, or persons intrusted with the expenditure of the said several and respective sums of money, shall, for their time and trouble, be allowed to retain, at and after the rate of five per cent, out of the said sums so intrusted to them respectively, together

and reasonable
compensation for
actual work and
labour

gether with a reasonable compensation for actual work and labour performed by them on the said several roads and bridges.

IV. *And be it further enacted*, That all the before-mentioned several sums of money shall be paid by the Treasurer, by warrant of His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, out of the monies now in the Treasury, or as payments may be made at the same, and not otherwise.

Money to be paid
by warrant

See 2 Geo. 4, c. 15, making all Roads public Highways, for which any money has been appropriated and expended.—See further 6 Geo. 4, c. 9, ordering all accounts to be transmitted to the Auditor.

CAP. XVII.

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

Passed the 25th of March, 1820.

(Obsolete.)

CAP. XVIII.

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

Passed the 25th of March, 1820.

(Obsolete.)

CAP. XIX.

An Act for the further increase of the Revenue of the Province.

Passed the 25th of March, 1820.

Repealed by 2 Geo. 4, c. 13, saving recovery of penalties and forfeitures previously incurred.

CAP. XX.

An Act in addition to an Act, intituled an Act for the further increase of the Revenue of the Province.

Passed the 29th of March, 1820.

Repealed by 2 Geo. 4, c. 13; saving right of recovery of penalties and forfeitures previously incurred.

CAP.

CAP. XXI.

Refer to 50 Geo.
3, c. 20, and 52
Geo. 3, c. 15.

An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province, with Drift Nets.

Passed the 29th of March, 1820.

Preamble.

WHEREAS the practice of drifting for fish has been found greatly injurious to the fisheries in this Province, notwithstanding the restrictions and regulations made thereon by the several Acts of the General Assembly—

No drift net to be used.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, no person or persons shall use any drift net or nets, for taking any fish, in any of the harbours, creeks, coves, or navigable rivers of this Province, or within the harbour of St. John, or within two miles around Partridge Island, at the entrance of the same harbour; and any person or persons so using any drift net or nets, for the purpose aforesaid, shall forfeit and pay the sum of ten pounds, 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 twenty pounds for the second offence, to be recovered with costs, by action of debt, bill, plaint or information, in any Court of Record in this Province; and fifty pounds for the third and every subsequent offence, to be recovered with costs in the manner last mentioned; which penalties, on conviction shall be paid to the informer.*

Penalty for using any drift net, how to be recovered.

II.

II. *And be it further enacted,* That it shall be the duty of the Overseers of the Fisheries which have been already appointed, or which may hereafter be appointed by the Justices of the Peace in their General Sessions, held or to be holden in the respective Counties of this Province, pursuant to the authority given in and by the second section of the hereinbefore recited Act, intituled "An Act for regulating the Fisheries in the different rivers, coves and creeks, of this Province," to remove and seize any net or nets that shall be found drifting contrary to the provisions of this Act; and such Overseer or Overseers, who shall at any time wilfully and knowingly delay, neglect, or refuse, to perform the duty by this Act enjoined, to forfeit and pay the sum of ten pounds; to be sued for, recovered, and applied in the same manner as the penalty of ten pounds in the first section of this Act can or may be sued for, recovered, and applied.

Overseers of the Fisheries to seize any nets found drifting.

Penalty on Overseers neglecting so to do.

III. *And be it further enacted,* That nothing in this Act shall extend, or be construed to extend, to prevent any Overseer or Overseers of the Fisheries, for any City or Parish in this Province, from benefiting by the recovery of any of the penalties by this Act inflicted, provided such Overseer or Overseers shall be the first to take notice of any net or nets so used in drifting against the provisions of this Act.

Not to prevent any Overseer from benefiting by the penalties.

IV. *And be it further enacted,* That such part and so much of an Act made and passed in the fiftieth year of His Majesty's Reign, intituled "An Act for the further regulation
" of

Part of the Act of 50 Geo 3, c. 20, repealed.

Also part of the
Act 52 Geo. 3.
c. 15.

“ of the Fisheries, and for preventing their
“ decay,” and also such part and so much
of an Act made and passed in the fifty-second
year of His Majesty’s Reign, intituled, “ An
“ Act to alter and amend an Act, intituled
“ an Act for the further regulation of Fish-
“ eries, and for preventing their decay,” as
allow of, and regulate the practice of using
nets for taking fish by drifting, be, and the
same are hereby repealed.

CAP. XXII.

An Act to provide for, and encourage the settlement of Emigrants
in this Province.

Passed the 29th of March, 1820.

WHEREAS it is deemed expedient
for the interests of the Province, to
facilitate the settlement of industrious and
enterprising Emigrants from the Mother
Country,

Preamble.

I. *Be it therefore enacted by the Lieutenant-
Governor, Council and Assembly, That the
Lieutenant-Governor or Commander-in-
Chief for the time being, by and with the
advice of His Majesty’s Council, is hereby au-
thorized and empowered to appoint a num-
ber of discreet persons, not exceeding three
in each of the Counties of this Province,
which persons whenso appointed, shall serve
as a Committee in their respective Counties,
whose duty it shall be to enquire into the
characters, testimonials, and claims, of all
such Emigrants as may arrive at, or come
into their respective Counties from the Mo-
ther Country, with an intension of becoming
settlers therein, and shall also enquire into
the probable means that such Emigrants,
possess,*

Lieutenant-Gov-
ernor to appoint
Committees in
each County,

to inquire into the
characters, claims,
&c. of Emigrants,

possess, of becoming useful settlers in the Province; and in all cases where such investigation shall prove satisfactory, the Committee making such enquiry shall report and recommend such Emigrants to His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, for location tickets for the lots to be surveyed and laid out in the several Counties as is hereafter mentioned.

and to recommend for locations.

II. *And be it further enacted*, That for the accommodation of poor Emigrants, such a number of lots, and to contain so many acres each as His Excellency the Lieutenant-Governor or Commander-in-Chief, by and with the advice of His Majesty's Council, may be pleased to limit and direct, shall be laid out and surveyed in the several Counties of this Province, and in such parts of the said Counties, as His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, by and with the advice aforesaid, shall think expedient.

Lots to be laid out in each County.

III. *And be it further enacted*, That whenever His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, shall be pleased to grant a location ticket to any Emigrant for any of the lots so to be laid out and surveyed as aforesaid upon the recommendation of any of the Committee so to be appointed for the several Counties as aforesaid, the same shall be granted upon the like terms and conditions upon which location tickets have heretofore been given to poor Emigrants.

Location Tickets to be granted to emigrants.

Roads may be laid out for the accommodation of Emigrant settlements.

IV. *And be it further enacted,* That whenever it shall be represented to His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, by any of the Committees of the several and respective Counties, that a settlement or settlements have been formed upon the lots in any of the Counties, so laid out and surveyed as aforesaid, by Emigrants, and that the same, from their interior and remote situation, require a road or roads to be made for the accommodation thereof, that then and in such case, the Lieutenant-Governor or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, is hereby empowered to order and direct a road or roads to be laid out for the accommodation of such settlement or settlements, under the direction of the Committee of the County in which such settlement or settlements shall be made.

Grant of £800 for defraying the expense of surveys, &c.

V. *And be it further enacted,* That in order to defray the expences of laying out and surveying the said lots in the said several and respective Counties of this Province, and for laying out and making roads for the accommodation of the settlers in the same, there shall be allowed to His Excellency the Lieutenant-Governor or Commander in Chief for the time being, the sum of eight hundred pounds, to be paid out of the Province Treasury, and to be by him expended and laid out, by and with the advice of His Majesty's Council, for the purposes herein before mentioned.

VI. *And be it further enacted,* That the said

said Committees shall keep an exact account of the monies expended by them or under their direction, by virtue of this Act, and shall produce vouchers therefore, which account and vouchers shall be transmitted by them respectively, to the office of the Secretary of the Province, for the inspection of the General Assembly.

Committees to transmit accounts to the Secretary's Office.

VII. *And be it further enacted,* That this Act shall continue and be in force for two years, and from thence to the end of the next Session of the General Assembly.

Limitation.

Further continued to 1826, and to the end of the then next Session by 3 Geo. 4, c. 10.

CAP. XXIII.

An Act in addition to and amendment of an Act, intituled "An Act for regulating the inspection of Fish for home consumption."

Passed the 29th of March, 1820.

Rendered obsolete by 4 Geo. 4, c. 9.

CAP. XXIV.

An Act further to alter and amend an Act, intituled "An Act for the establishment, regulation, and improvement, of the Great Roads of communication through the Province."

Passed the 29th March, 1820.

Repealed by 3 Geo. 4, c. 31.

CAP. XXV.

An Act to alter and in addition to an Act, intituled "An Act for establishing a tender in all payments to be made, in this Province."

Passed the 29th of March, 1820,

This Act was passed with a suspending clause until His Majesty's approbation had and declared—and was confirmed finally enacted and ratified by an order of the King in Council, Dated the 9th day of June, 1821—and published and declared in the Province on the 9th day of October, 1821.

Repealed again by the 7th Geo. 4, c. 24.

CAP.

(Omitted in its place.)

CAP.

An Act in addition to an Act intituled "An Act for establishing,
" a Tender to be made in all payments in this Province."

Passed the 11th of March, 1818.

Preamble.

WHEREAS by an Act made and passed in the twenty-sixth year of the Reign of His present Majesty, intituled "An Act for establishing a Tender in all payments to be made in this Province," it is enacted, "That an English Guinea shall pass current and be received for twenty-three shillings and fourpence, and a Silver English or French Crown piece for five shillings and six-pence, and all other English Gold and Silver Coin in the like proportion; and that Spanish Milled Dollars shall pass current and be received for five shillings each, and a half Joannes for forty shillings, in all payments to be made within this Province."—*And whereas* since the passing of the said Act a New Gold and Silver Coinage has taken place in the United Kingdom; and doubts have arisen whether the same is receivable by virtue of the said Act as a Tender in this Province of the comparative value as in and by the same Act is provided for English Gold and Silver Coin; for the removal whereof.

Sovereigns being of the value of each 20s. sterling to pass current for 22s. 3d. each.

I. *Be it declared and enacted by the Lieutenant-Governor, Council, and Assembly; That in all payments to be made in this Province, the Gold Coin of the United Kingdom denominated Sovereigns, being of the value each of*
twenty

twenty shillings lawful money of Great-Britain, shall pass current and be received for twenty-two shillings and three-pence each; and the new Silver Coin called Crowns, of the value of five shillings each, like lawful money, shall pass current and be received for five shillings and six-pence each, and all other Gold and Silver Coin of the new Coinage aforesaid of the United Kingdom, in the like proportion. *Provided always*, that in payments made with the smaller pieces of Silver Coin, no smaller fraction than a half penny shall be calculated in the proportionate value thereof unless several of them shall be paid together so as to amount to the value of a Crown or half Crown piece, when the same shall be received for the full intrinsic value which they bear in proportion with the same larger pieces.

New Silver Crowns of the value of 5s. each sterling, to pass current for 5s 6d each

All other Gold and Silver Coin of the new Coinage aforesaid in the like proportion

Proviso—that no smaller fraction than a half penny shall be calculated in the proportionate value

II. *And be it further declared and enacted*, That any former or future Gold or Silver English Coin, of the United Kingdom, shall be at all times hereafter current in this Province, and received in all payments to be made therein in the same, or a like proportion as is herein and in the before recited Act established and provided.

English Gold or Silver Coin of the United Kingdom, a lawful Tender.

III. *And be it further enacted*, That in all payments to be made in this Province the Gold Coin of the United States of America called Eagles of the value each of ten Dollars of the Silver Coin of the said United States, shall pass current and be received for fifty shillings, and the said dollar of the said United States, for five shillings, and other Gold

Gold and Silver Coin of the United States a lawful Tender

Gold and Silver Coin of the said United States in the like proportion.

IV. *And be it further enacted*, That this Act shall not be in force until His Majesty's Suspending clause Royal approbation be had and declared to the same.

This Act was confirmed, finally enacted and ratified by an Order of the King in Council, Dated the 1st of February, 1821, and which was published and declared in the Province on the 5th June, 1821.

END OF VOL. I.

Act of 26th GEO. 3, CAP. 9.

[*This Act left out in its proper place by mistake.*]

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

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

Preamble.

I. *Be it enacted by the Governor, Council and Assembly,* That no person whatsoever, by him or herself, or by his or her Counsel or Attorney, shall commence any suit or action by bill, plaint, or in any other manner whatsoever, upon Bond, Obligation, or Penal Bill, or in any other matter or thing whatsoever, or shall pursue or prosecute any such bill, plaint, action or suit, where the sum or thing in demand, suit or controversy, does not exceed the sum of forty shillings in any Court of Law within this Province, except the Clerk's Court of the respective Counties, or the City Court of St. John: Nor when the sum or thing in demand does not exceed ten pounds, in any Courts of Law within the Province except the Inferior Courts of Common Pleas for the respective Counties, or the Mayor's Court of the City of Saint John.

No action to be commenced except in the Clerk's Courts or the City Court of Saint John, where the sum, &c. does not exceed 40s.

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

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

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

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AN
INDEX,
TO THE
ACTS
OF THE
GENERAL ASSEMBLY
OF THE
PROVINCE
OF
NEW--BRUNSWICK,

FROM THE TWENTY-SIXTH YEAR, TO THE END OF THE REIGN
OF KING GEORGE THE III, INCLUSIVE.

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