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ACTS

OF

THE GENERAL ASSEMBLY

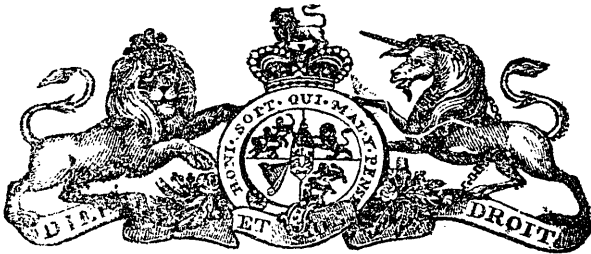
OF

His Majesty's

PROVINCE OF NEW-BRUNSWICK,

PASSED IN THE YEAR

1884.



FREDERICTON:

JOHN SIMPSON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

—•••••
MDCCCXXXI.

TITLES OF THE ACTS.

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ANNO REGNI.

GULIELMI IV.

BRITANNIARUM REGIS PRIMO.



AT the General Assembly of the Province of New-Brunswick Begun and holden at Fredericton, on the Seventh Day of February, *Anno Domini* One thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, 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 Tenth General Assembly convened in the said Province.

ERRATA.

PAGE	36.	line	14.	after 'actually' insert 'committed.'
"	45.	"	1.	for 'Whereas their are certain misdemeanor, which', read 'Whereas there are certain misdemeanors which.'
"	46.	"	18.	after 'of' insert 'the.'
"	59.	"	40.	for 'and' read 'or.'
"	62.	"	39.	for 'XI' read 'IX.'
"	86.	"	9.	for 'A Bill' read 'An Act.'
"	116.	"	13.	for 'of' read 'or.'
"	122.	"	41.	after 'same' insert 'is.'
"	182.	"	25.	for 'any' read 'an.'

THE ACTS

OF THE

GENERAL ASSEMBLY, &c.

CAP. I.

An Act to alter and amend the Act for raising a Revenue in the Province.

Passed 25th March 1831.

I. **BE** it enacted by the President, Council, and Assembly, That an Act made and passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for raising a Revenue in the Province*, be and the same is hereby continued, (excepting so much of the same as is hereby repealed, altered or amended,) and, together with this Act, declared to be in Force until the First Day of April, which will be in the Year One thousand eight hundred and thirty two.

11 Geo. 4. C. 1.
as herein altered or repealed,
continued till 1st
April 1832.

II. And be it further enacted, That so much of the First Section of the said herein before recited Act as imposes additional Duties upon Rum,
A Whiskey,

First Section of
recited Act
Part repealed

Duty on Foreign Cattle.

Whiskey and Sugar when imported or brought into this Province by Non-residents, and also so much of the same Section as imposes a Duty upon Vinegar, or upon Articles of Foreign Growth or Manufacture, when imported from any Part of the British Empire, be and the same is hereby repealed; and that the Duty upon Foreign horned Cattle shall be Sixty Shillings only for every Head of such Cattle, instead of the Duty imposed in and by the said First Section of the said herein before recited Act.

Fifth and Seventh Sections of recited Act in Part repealed.

III. And be it further enacted, That so much of the Fifth Section of the said Act as allows a Drawback upon the Exportation of Vinegar, and upon Articles which have paid or are subject to the long Duties; and also the Proviso in the Seventh Section of the same Act which relates to the Payment of Drawbacks, allowed therein (when the Duties have been secured) in Proportion upon the several Instalments of Bonds as they become due, be and the same are hereby repealed.

How Drawbacks to be endorsed on Bonds.

IV. And be it further enacted, That the Drawbacks upon all Articles exported, and entitled thereto, and for the Duties on which Bonds have or may be given, shall be endorsed upon such Bonds and deemed equivalent to Cash Payments, without any Reference to the Times when the several Instalments of the same are payable or become due.

Articles on which no Duty shall be paid.

V. And be it further enacted, That no Provincial Duty shall be charged upon the Importation of the following Articles: that is to say, Hides, Tallow, Cotton Wool, Plants and Seeds of every Description, Indigo, Fruits, whether preserved, dry or green, Dye Woods, Salt, Leaf Tobacco, Bees Wax, Felt, Lignum-vitæ, Bristles, Horse Hair, Horns, Cordage, Canvas, Hemp, Iron and India Rubber; any Thing in the herein before recited Act to the contrary notwithstanding.

VI. And be it further enacted, That any Im-
porter

porter or Consignee of Rum, Whiskey, Brandy, Geneva, Wine, Shrub, Santa, Cordials, and Brown Sugar, may have his Option either to secure the Duties on the same in the Manner prescribed in and by the said herein before recited Act, or to warehouse such Articles and pay the Duties thereon from time to time as the same may be sold for Home Consumption, and before the Delivery thereof from such Warehouse, as hereinafter provided.

Duties on Rum, &c. to be secured, or Articles warehoused.

VII. And be it further enacted, That before the Owner, Agent or Consignee of any such Articles shall have the benefit of the Option herein before provided, it shall be the duty of the Owner, Importer or Consignee of any such Articles to enter the same for warehousing, and to provide a good and sufficient Warehouse, to be approved of by the Treasurer of the Province, or Deputy Treasurer, as the Case may be, and fitted and prepared in every Respect to the Satisfaction of the said Treasurer or Deputy; and before any such Articles shall be admitted into any such Warehouse, the Owner, Importer or Consignee of the same shall, instead of the Bonds required in the said herein before recited Act, give Bonds, with Two sufficient Sureties, to be approved of by the said Treasurer or Deputy, as the Case may be, in double the Amount of the Duties payable on such Articles, conditioned for the safe depositing of such Articles in such Warehouse, mentioned in the Entry of the same, and for the Payment of the Duties upon such Articles, or for the Exportation thereof, according to the Account first taken of such Articles upon the landing of the same; and with the further Condition, that no Part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and Payment of Duty or upon due Entry for Exportation; and with the further Condition, that the whole of such Articles shall be so cleared from such

Articles to be entered for warehousing and a sufficient Warehouse to be provided.

Bond before Articles are warehoused.

Conditions.

such Warehouse, and the Duties upon the Deficiency (if any) of the Quantity according to such First Account shall be paid within Two Years from the Date of the First Entry thereof: Provided always, that no One Importer of Articles subject to Duties under the Provisions of any Act or Acts of the General Assembly of this Province, shall be allowed the Privilege of warehousing the same, unless the Duties upon such Exportation shall amount to Fifty Pounds.

Articles to be warehoused, and not to be exported.

Articles to be warehoused, and not to be deposited, &c. to be forfeited.

VIII. And be it further enacted, That if any Articles which have been entered to be warehoused shall not be duly carried and deposited in the Warehouse, or shall afterwards be taken out of the Warehouse without due Entry and Clearance, or having been entered and cleared for Exportation from the Warehouse, shall not be duly carried therefrom and shipped, or shall afterwards be reloaded, except with the Permission of the proper Officer of the Treasury, such Goods shall be forfeited.

Goods upon Entry outwards of Articles to be exported from the Warehouse.

Conditions.

IX. And be it further enacted, That upon the Entry outwards of any Articles to be exported from the Warehouse, the Person entering the same shall give Security by Bond in treble the Duty thereon, with Two sufficient Sureties, to be approved by the Treasurer or Deputy Treasurer, conditioned that the same shall be landed at the Place for which they be entered outwards, or be otherwise accounted for to the Satisfaction of the said Treasurer or Deputy Treasurer; and all Articles deposited in any Warehouse pursuant to this Act, shall be taken out for Home Consumption or for Exportation within Two Years from the Date of the original Report and Entry of such Articles.

Goods to be cleared within Two Years.

Drawbacks for Duties on Exports to Foreign Countries

X. And be it further enacted, That the Drawbacks upon dutiable Articles exported to any Foreign Country, agreeably to the Provision of the herein before recited Act, may (with the other requisite

quisite Proofs required by the same Act) be obtained upon the Certificate of Two resident Merchants of the Place where such dutiable Articles may have been landed, as well as by the Certificate required by the said Act from the Principal Officer of the Customs at such Place.

XI. And be it further enacted, That the Drawback upon all Articles exported before the passing of this Act, or the Act to which this Act is an Amendment, shall be allowed and paid agreeably to the Act in Force at the Time of the Exportation of such Articles, notwithstanding the Expiration or Repeal of such Acts; any Thing in any Act of the General Assembly to the contrary notwithstanding.

How Draw-
backs to be paid.

XII. And be it further enacted, That when dutiable Articles have been exported agreeably to the Provisions of the herein before recited Act, and the Treasurer or any Deputy Treasurer, as the Case may be, shall have good Cause to believe that such Articles, or the Vessel in which they were exported, were lost at Sea, and that in consequence of such Loss no Certificate could be returned to entitle the Owner or Exporter of such Articles to the Drawback allowed on such Articles, then it shall and may be lawful for the said Treasurer or any Deputy Treasurer, as the Case may be, to enlarge the Time of Payment of the Duties which may have been secured on such Articles until the Owner or Exporter shall have Time, by Application to the General Assembly, to obtain Remission of such Duties: Provided always, that if such Application should be refused, then it shall be the Duty of the said Treasurer or Deputy Treasurer, as the Case may be, upon receiving Notice of such Refusal, forthwith to take the necessary Steps for the Recovery of such Duties, agreeably to the Provisions of the said herein before recited Act.

Power to en-
large the Time
of Payment of
Duties, &c. when
the Vessel or
Articles are sup-
posed to be lost
at Sea.

Provided.

Agents for Goods
shipped coast-
wise may export
the same, &c.

XIII. And be it further enacted, That when-
ever any Merchant at any Port in this Province,
when the Provincial Duties are received or se-
cured on any dutiable Articles entitled to Draw-
back on Exportation, shall ship such Articles
coastwise to his Agent at any Port or Place in
this Province, it shall and may be lawful for such
Agent to export the same, and receive the Draw-
back thereon in the Name of the original Im-
porter: Provided always, that such Articles
shall be accompanied with a regular Permit from
the Treasurer or Deputy Treasurer, as the Case
may be, to shew that the Duties thereon have been
paid, or secured to be paid, at the Office of the said
Treasurer or Deputy Treasurer, expressing also
the Place from, the Time when, and the Vessel's
Name in which such Articles were imported, to-
gether with the Marks and Number of the Cask
and Package containing such Articles; and also
that such Casks and Package containing such
Articles, and also that such Cask and Packages
are the same in which such Articles were origi-
nally imported, and in the same State as when
so imported; Provided also, that the same Proof
of the Exportation of such Articles by any Agent
as aforesaid, shall be required to obtain the
Drawback thereon, as is required upon the Ex-
portation of such Articles under the Provisions
of the said herein before recited Act.

Permit from the
Treasurer.

Proof of Export-
ation by such
Agents.

Additional Duty
on Brandy, Hol-
lands, Geneva,
and Cordials.

XIV. And be it further enacted, That in Ad-
dition to the Duties imposed in and by the herein
before recited Act, there shall be levied, collected
and paid for every Gallon of Brandy, Hollands,
Geneva and Cordials, Sixpence; the same to
be paid, secured and recovered in the same
Manner as the other Duties on the like Articles
are in and by the Provisions of the said herein
before recited Act.

Deputy Treasu-
rers to be ap-
pointed at the

XV. And be it further enacted, That it shall
and may be lawful to and for the Treasurer of
the

the Province to appoint such and so many fit Persons, to be approved of by the President or Commander in Chief of the Province, to be his Deputy or Deputies at or near the Western Boundary of the Province, as he may deem necessary for securing the Duties upon Horses, Horned Cattle, and all Articles which may be imported into the Province by Inland Navigation or by Land, or for the Detection and Punishment of Offences against the Revenue Laws of the Province; which Deputies so appointed or to be appointed, shall have the like Powers, in every Respect, as the Deputy Treasurers have under and by virtue of the said herein before recited Act.

Western Boundary of the Province.

Their Powers.

XVI. And be it further enacted, That any Person importing, by Inland Navigation or by Land, into any Part of this Province, Horses, Horned Cattle, or any Articles which are subject to a Duty under any Act or Acts of the General Assembly of this Province, who shall neglect to report the same and pay the Duties thereon to the Treasurer of the Province or the Deputy Treasurer, as the Case may be, shall for each and every Neglect or Offence be liable to the same Forfeitures and Penalty as Persons are who may be convicted of fraudulently landing any dutiable Articles from on board of any Ship or Vessel arriving at any Port or Place in the Province; to be recovered and applied in the same Manner as the Penalties are in and by the Third Section of the said herein before recited Act; and all Goods so imported as aforesaid, may be seized by the Treasurer of the Province, or any Deputy, as the Case may be, and prosecuted to Condemnation and Sale, in the same Manner as Goods seized and forfeited may be under and by virtue of the said Act.

Penalty for not reporting and paying the Duties on Horses imported by Inland Navigation or by Land.

Recovery.

Power to seize, &c.

XVII. And be it further enacted, That if any Person or Persons shall import into this Province,

Penalty for not reporting and

paying Duties to
the nearest De-
puty Treasurer.

Recovery.

vince, by Inland Navigation or by Land, any Horses, Horned Cattle, or any Goods, Wares or Merchandize of any Description subject to Duty under any of the Revenue Laws of this Province, and shall neglect to report the same, and pay the Duties on such Articles so imported, at the Office of the nearest Deputy Treasurer, such Person or Persons so offending shall be liable to the same Penalty as Persons are, in and by the Third Section of the said herein before recited Act, who shall land Articles from any Ship or Vessel before Report of the Cargo of such Ship or Vessel, to be recovered in the like Manner as the Penalties are in and by the Twentieth Section of the said herein before recited Act; and all Horses, Horned Cattle, Goods, Wares and Merchandize of every Kind, which may be seized for Non-payment of the Duties, or for Default of Report made to the Deputy Treasurer as aforesaid, may be proceeded against in the same Manner as Seizures are in and by the Provision of the said Act.

CAP. II.

An Act to regulate the cutting of Saw Logs on the River Magaguadavic and its Branches.

Passed 25th March 1831.

Preamble.

WHEREAS the driving of Logs of an unusual Length on the River Magaguadavic endangers the Bridges and obstructs the Navigation of the said River;

No Log, &c.
more than 40
Feet in Length
to be hauled in-
to, or suffered
to drift down the
River or its
Branches.

I. Be it therefore enacted by the President, Council, and Assembly, That from and after the passing of this Act, no Log, Spar, Tree, or Stick of Timber whatsoever, of greater Length than Forty Feet, shall be hauled into, or deposited in the River Magaguadavic or its Branches, above M'Dougal's Falls, so called, and be suffered to float or drift down the same. II.

II. And be it further enacted, That any Person or Persons who shall wilfully throw, or cause to be thrown, any Logs, Spars, Trees or Sticks of Timber so hauled or deposited in the River Magaguadavic or its Branches contrary to the Provisions of this Act, shall, for each and every Log, Spar, Tree or Stick of Timber, forfeit the Sum of Twenty Shillings, to be recovered with Costs of Suit, before any One Justice of the Peace for the County where the Offence is committed, on the Oath of One or more credible Witness or Witnesses, and levied by Warrant of Distress and Sale of such Offender's Goods and Chattels; One Half of such Fine to be paid to the Overseers of the Poor of the Parish where such Offence shall be committed, for the Support of the Poor of the same, and the other Half to the Person who shall inform and sue for the same; and for Want of sufficient Goods and Chattels whereon to levy the same, such Offender shall be committed to the County Gaol for a Time not exceeding Four Days.

Penalty for Offences against this Act.

Mode of Recovery.

Application.

III. And be it further enacted, That this Act shall continue and be in force until the First Day of April One thousand eight hundred and thirty four.

Limitation.

CAP. III.

An Act to continue an Act, intituled *An Act further to increase the Revenue of the Province, by imposing a Duty upon all Rum and other spirituous Liquors that shall be distilled within the same.*

Passed 25th March 1831.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the Ninth and Tenth Years of the Reign of His late Majesty King George the Fourth, intituled *An Act further to increase the Revenue of the Province, by imposing a Duty upon all Rum and other*

9 and 10 Geo. 4, C. 30, continued till 1st April 1836.

other spirituous Liquors that shall be distilled within the same, be and the same is hereby further continued until the First day of April in the Year One thousand eight hundred and thirty six.

CAP. IV.

An Act to continue the Acts 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.

Passed 25th March 1831.

54 Geo. 3, C.
13, and

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the Fifty fourth Year of the Reign of King George the Third, 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*; and also an Act in Addition to the same passed in the Ninth Year of the Reign of His late Majesty George the Fourth, continue and be in force until the First Day of April One thousand eight hundred and thirty six.

9 Geo. 4, C. 22,
continued till 1st
April 1836.

CAP. V.

An Act to make perpetual an Act, intituled *An Act to lay a Tax on Dogs in certain Parts of the Parishes of Fredericton and Saint Andrews.*

Passed 25th March 1831.

9 Geo. 4, C. 23,
made perpetual.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to lay a Tax on Dogs in certain Parts of the Parishes of Fredericton and Saint Andrews*, be and the same is hereby made perpetual.

CAP.

CAP. VI.

An Act to authorize the Justices of the Peace of the County of Gloucester to make Rules and Regulations respecting the taking of Fish in the different Harbours, Rivers, and Creeks in the said County.

Passed 25th March 1831.

WHEREAS the local Situation of the Fisheries of the County of Gloucester 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 the said Acts into Effect :

Preamble.

Be it therefore enacted by the President, Council, and Assembly, That it shall and may be lawful for the Justices of the County of Gloucester, in their General Sessions, to make such further Regulations relating to the Fisheries in the 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 the General Assembly, or with private Rights.

Justices in General Sessions may make Regulations.

Not to interfere with general Regulations established by Law, or with private Rights.

CAP. VII.

An Act to amend the Act to incorporate sundry Persons by the Name of the *Saint John Marine Insurance Company*.

Passed 25th March 1831.

WHEREAS in and by an Act made and passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to incorporate sundry Persons by the Name of the Saint John Marine Insurance Company*, no Power is given to the Stockholders in the said Corporation to dissolve the same: And Whereas it is highly expedient that Power should be given to the said Stockholders

Preamble.

6 Geo. 4, C. 16.

‘ holders (when Circumstances may make it necessary) to dissolve the said Corporation and bring all the Business of the same to a final Close :’

Proprietors of 900 Shares may call a general Meeting to consider a Proposition to dissolve the Corporation.

Order of Dissolution how to be made and carried into Effect.

Be it therefore enacted by the President, Council, and Assembly, That any Number of Stockholders of the said Corporation who together shall be Proprietors of Nine hundred Shares shall have Power at any Time, by themselves or their Proxies, to call a general Meeting of the Stockholders for the Purpose of considering a Proposition to dissolve the said Corporation, giving at least Ninety Days’ previous Notice in Newspapers published in Three different Places in this Province, of which the Royal Gazette and a Newspaper published in the City of Saint John respectively shall be One, and specifying in such Notice the Time and Place of such Meeting with the Object thereof ; and it shall be lawful for the Stockholders of the said Corporation at such a general Meeting, called in Manner aforesaid, to make an Order for the Dissolution of the said Corporation at a Time to be specified in such Order, in case such a Number of Stockholders as together shall be Proprietors of at least Nine hundred Shares shall by themselves or their Proxies, at such general Meeting, vote in Favor of such Order for the Dissolution of the said Corporation ; and such Dissolution, if so determined upon and ordered at such general Meeting, shall not take place until at least Ninety Days after such general Meeting, and Notice thereof shall be given in Three such Newspapers as aforesaid, and the said Corporation shall thereupon be dissolved at the Time specified in such Order ; and Measures shall be taken for closing the Concerns and dividing the Capital and Profits of the said Corporation in the Manner mentioned in the Twenty fourth Section of the said recited Act, to which this is an Amendment : Provided always,

always, that all the Debts and Engagements of the said Corporation shall be paid and provided for out of the Corporate Funds, before any such Division thereof takes place.

CAP. VIII.

An Act to amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and to provide for the Inspection of smoked Herrings in the said Parishes.

Passed 25th March 1831.

WHEREAS an Act made and passed in the Eighth Year of the Reign of His late Majesty, intituled *An Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte; and to provide for the Inspection of smoked Herrings in the said Parishes*, has been found ineffectual for the Purposes intended, so far as relates to Grand Manan :

Preamble.

S. Geo. 4, C. 11

I. Be it therefore enacted by the President, Council, and Assembly, That from and after the passing of this Act it shall not be lawful for any registered Vessel to use any Net or Nets, Seine or Seines, for the taking of Herring at the Island of Grand Manan, of any greater Length than Thirty Fathoms, or for any unregistered Vessel or Boat, of any greater Length than Fifteen Fathoms ; and that no Net or Nets, Seine or Seines, shall be allowed to be set on any of the Spawning Ground that is from Drake's Point to Eel Brook Point, or within Three marine Miles of the Shore of the main Island, or adjacent Island, from the Twentieth Day of *July* to the Twentieth Day of *October* in each Year.

Regulations for Herring Fishery at Grand Manan, and on Spawning Ground.

II. And be it further enacted, That if any Person or Persons shall offend contrary to the Provisions of this Act, he shall forfeit and pay Five Pounds,

Penalty for Offences against the Act, and Mode of Recovery.

Pounds, to be recovered on Complaint made before any One of His Majesty's Justices of the Peace for the County of Charlotte, 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 Costs and Charges to the Offender ; the Penalties to be paid and applied as is provided for in the First Section of the here-in before recited Act.

Application.

Limitation.

III. And be it further enacted, That this Act shall continue and be in force as long as the here-in before recited Act, to which this is an Amendment.

CAP IX.

An Act to repeal all the Acts in Force relating to Trespasses, and to make more effectual Provision for the same.

Passed 25th March 1831.

WHEREAS the Laws now in Force relating to Trespasses have been found ineffectual :

I. Be it therefore enacted by the President, Council, and Assembly, That an Act made and passed in the Forty first Year of the Reign of King George the Third, intituled *An Act to repeal all the Acts now in Force relating to Trespasses, and for making new Regulations to prevent the same*; likewise the Twenty fifth, Twenty sixth and Twenty seventh Sections of an Act made and passed in the Fiftieth Year of the Reign of King George the Third, intituled *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*; also an Act made and passed in the Fifty fourth Year of the Reign of

King

King George the Third, intituled *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* ; likewise an Act made and passed in the Second Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws now in Force relating to Trespases, and to make further Regulations to prevent the same* ; and likewise an Act made and passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act further to amend the Laws now in Force relating to Trespases*, be and the same are hereby repealed.

2 Geo. 4, C. 14.

3 Geo. 4, C. 13.
repealed.

II. And be it further enacted, That the Fences dividing improved Lands shall be erected, made and maintained at the joint and equal Expense of the Occupiers of the said Lands lying on each Side of such Fence, or Line whereon the Fence is to be erected, on Notice to the Occupiers of the 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, on 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 Six Days' Notice of the Determination of the said Fence Viewer, shall not make and erect his Portion of the said Fence in the Manner herein before directed, it shall and may be lawful for the Fence Viewer to employ any Person to make

Division Fences to be erected at the joint Expense of Occupiers.

To be Four Feet Six Inches high.

Disputes to be determined by Fence Viewers.

On neglect to erect the Fence, the Fence Viewer may employ Persons to do it.

make

Repairs to Fences.

make such Fence, who shall be paid for his Labour in making such Fence at the rate of Seven Shillings and Sixpence per Day, besides the Expense of procuring Materials for the same ; all which shall be recovered from the Person refusing to erect his Part of such Fence, in the Name of the Person so employed by the Fence Viewer, with Costs of Suit, before any Court competent to try the same ; and where Fences are already made and wanting immediate Repair, the said Fence Viewer shall, on Application, forthwith summon the Parties concerned, and view the same, and also direct such Repairs 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 from the Person refusing or neglecting to repair such Fence : Provided always, that no Fence Viewer should be allowed more than Seven Shillings and Sixpence per Day for Fence-viewing, to be paid by, and in case of Refusal to be recovered from, the Party who shall have neglected to keep his Fence in Repair, or who shall neglect or refuse, when so ordered by the Fence Viewer, to repair the same ; and if any Fence Viewer shall, when notified, neglect his duty, he shall for every such Offence forfeit the Sum of Two Pounds, 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, towards the Support of the Poor of the said Parish.

Fees for viewing, and by whom payable.

Penalty for Neglect of Duty.

Justices in General Sessions to make other Regulations for preventing Trespases by Horses &c.

III. And be it further enacted, That the Justices in their General Sessions of the Peace shall be and they are hereby empowered to make such other Regulations for preventing Trespases by Horses,

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 Regulation relating to the Islands, Low Lands and Meadows in their respective Counties as they may think necessary, and to determine and order what Waters and 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 such Rules and Regulations so to be made by the Justices in their General Sessions, it shall and may be lawful for the Hog Reeve, or other Parish Officer to be by them named and appointed for that Purpose, to take up and impound in the Parish Pound any Horses, Swine, Sheep, Goats and Neat Cattle found going at large contrary to any Regulations so to be made, and shall and may receive a Sum, to be specified in such Regulations, not exceeding Five Shillings for each and every Beast so taken up and impounded, to be paid together with the Charges of the Pound Keeper by the Owner or Owners of such Beast before the same shall be delivered from the Pound.

And respecting
Islands &c.

Hog Reeve or
other Parish Of-
ficer may im-
pound Cattle at
large contrary
to the Regula-
tions.

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 Customs to the contrary notwithstanding.

Occupier of un-
improved Land
not bound to
fence.

V. And be it further enacted, That it shall and may be lawful for the Justices of the Peace, in their General Sessions, to divide each Town

Parishes to be divided into Districts, and each District to have a sufficient Pound.

or Parish into as many Districts as shall be thought necessary, and that a sufficient Pound shall be built in each District ; and in case the Inhabitants of such Districts shall not build the Pound by Subscription or otherwise, the Justices may authorize an Assessment upon the Inhabitants of such District for the building of a Pound, to be assessed and collected as other Town or Parish Charges are.

The Owner of Cattle breaking into any Field or Enclosure, under lawful Fence, or found trespassing therein, to be fined, and

VI. And be it further enacted, That when any Horses, Sheep, Swine, Goats or Neat Cattle shall break into any Field or Enclosure under lawful Fence, or into any of the Islands, Low Lands or Meadows in the respective Counties, contrary to any Regulations made or to be made under and by virtue of the Third Section of this Act, or shall be found trespassing therein, the Owner or Owners of any such Beast so trespassing, shall forfeit and pay, to the Use of the Poor of the Town or Parish wherein the Lands lie, a Fine of Five Shillings per Head for Horses, Neat Cattle, Swine or Goats, and a Fine of One Shilling for each Sheep so breaking or found trespassing as aforesaid, to be recovered with Costs of Prosecution before any One of His Majesty's Justices of the Peace, and shall also pay to the Party injured the Amount of any Damages sustained by such Trespasses, to be ascertained by Three credible Freeholders where such Lands lie, being sworn before any Justice of the Peace truly and impartially to value the same ; and the Party injured may impound each and every such Beast so trespassing, and the Pound Keeper shall cause the same to be advertised in Three of the most public Places in the Neighbourhood of the Pound ; and if the Owner or Owners thereof shall neglect to pay such Fine, Costs and Damages, and also to the Pound Keeper Two Shillings per Day for each Head of Horses or Neat Cattle, and Sixpence per Day for each Sheep,

to pay Damages to the Party injured,

who may also impound the Cattle.

On neglect to pay the Fines, Costs, Damages and Pound Dues, the Cattle to be publicly sold.

Sheep, Swine or Goat, with Charges for advertising the same, within Fourteen Days after the same shall be impounded, such Beast or Beasts shall be publicly sold, or so many of them as may be necessary to defray the said Fine, Costs, Damages and Charges, and the Overplus (if any) shall be paid to the Owner or Owners thereof; and if the Owner or Owners do not appear within Fourteen Days to demand the same, then to be paid to the Overseers of the Poor for the Use of the Poor of such Town or Parish.

Application of the Overplus.

VII. And be it further enacted, That if any Person or Persons shall rescue any Beast or Beasts, so found trespassing as aforesaid, from any Hog Reeve or other Person whatsoever driving or leading such Beast or Beasts as aforesaid to Pound, each and every Offender shall forfeit for such Rescue the sum of Five Pounds, over and above all Damages that may be sustained by the Trespass; which Penalty may be recovered before any One of His Majesty's Justices of the Peace, on the Oath of One credible Witness, and levied by Warrant of Distress and Sale of the Offender's Goods, and in case sufficient Distress cannot be found whereon to levy the same, then such Offender or Offenders shall be committed to the common Gaol or House of Correction of the County, there to remain without Bail or Mainprize for a Term not exceeding Fifteen days; and if any Person or Persons shall make a Breach in any Pound, or if any Pound Keeper or any other Person or Persons shall unduly, or by any indirect Means, deliver or set at large any Beast so impounded, such Pound Keeper or other Person or Persons so offending, and every of them, shall, upon conviction before any Two Justices *Quorum Unus*, forfeit for every such Offence Ten Pounds, and in case sufficient Distress cannot be found whereon to levy the same, such Offender or Offenders shall be committed to the

Penalty for rescuing Cattle from any Hog Reeve or other Person driving or leading them to Pound.

Mode of recovering Penalty.

Penalty for making a Breach in any Pound, or setting at large any Beast impounded.

Application of Penalties.

common Gaol or House of Correction of the County, there to remain without Bail or Mainprize for a Term not exceeding Thirty Days ; and that the several Penalties in this Section mentioned, shall upon Recovery be paid and applied, One Half to the Person prosecuting, and the other Half to the use of the Poor, after deducting the Charges and Expenses of repairing such Pound Breach.

Fences Four Feet Six Inches high to be deemed lawful.

VIII. And be it further enacted, That all good, strong and sufficient Fences, Four Feet Six Inches in Height, shall be deemed and adjudged lawful Fences under this Act : Provided always, that nothing in this Act contained shall prevent the Provisions of this Law from taking Effect in any Case where it shall appear that the Breach into any Field has been made in a Place where the Fence is lawful : And provided also, and be it further enacted, That in Cases where it shall be made to appear that the Trespass has been committed by breaking through that Part of a Division Fence which the Owner of the trespassing Cattle or Swine ought to keep in Repair, the Want of Reparation or Defect of such Fence shall not be deemed, taken or considered to be any Excuse for such Trespass ; any Thing herein contained to the contrary notwithstanding.

When Want of Repair shall be no Excuse for Trespass.

IX. And Whereas the Expenses 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 Damage does not exceed Five Pounds, should be prevented ; 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 Damage alleged to be suffered shall not exceed the Sum of Five Pounds, the same shall be heard and tried by One Justice of the

Trespasses by Cattle not exceeding £5 may be tried before a Justice of the Peace.

the Peace, in the same Manner, and agreeable to the Provisions of an Act for the more speedy Recovery of small Debts.

X. 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 in Manner and Form following, to wit :

In such Cases Justice of the Peace may grant a Replevin, try the Case and give Judgment accordingly.

‘ To either of the Constables of the Parish of _____

‘ 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 Five Pounds ; 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 and there to answer such Things as shall be objected against him by the said A. B.

Form of the Wrt.

‘ Witness my Hand and Seal the _____ day of _____ 183 . .

‘ _____, J. Peace.’

and on Return thereof, shall hear the Merits of the Case between the Parties, and shall give Judgment and grant Execution as in other Cases to the same Amount, and shall receive no more nor greater Fees than in such other Cases as aforesaid.

XI. And be it further enacted, That every Constable who may be required to serve such Writ of Replevin, before proceeding to execute the same, shall take from the Person to whom the said Replevin is granted, a Bond in a Sum not exceeding Five Pounds, with Two sufficient Sureties, to prosecute such Replevin with Effect within Seven Days ; and in case the said Party should fail to prosecute the said Replevin within the Time specified, the said Constable is hereby authorized and required to assign the said Bond

Bond to prosecute the Replevin with Effect to be given before the serving of the Writ.

On Failure to prosecute, Bond to be assigned to the Defendant.

to

to the Defendant, who is hereby authorized and empowered to sue for and recover the same in his own Name, in any Court competent to try the same.

XII. And be it further enacted, That the Bond so described to be taken by the Constable in the preceding Section shall be in the Form following, to wit :

Form of Bond.

‘ We A. B. of _____, C. D. of _____
 ‘ _____, and E. F. of _____, are jointly
 ‘ and severally bound to G. H. Constable of the
 ‘ Parish of _____, in the Sum of _____,
 ‘ to be paid to the said Constable, his Execu-
 ‘ tors, Administrators or Assigns.

‘ Sealed with our Seals, and dated this _____
 ‘ Day of _____ 183 .

‘ The Condition of the above Obligation is
 ‘ such, that if the above bound A. B. shall ap-
 ‘ pear before J. K. a Justice of the Peace for
 ‘ the County of _____, (or before the Clerk’s
 ‘ Court in the City of Saint John, *as the Case*
 ‘ *may be,*) on (*here insert the Time and Place*
 ‘ *specified in the Replevin,*) and do prosecute
 ‘ his Suit with Effect against L. M. for taking and
 ‘ unjustly detaining his Goods, (*here the same are*
 ‘ *to be enumerated,*) and do make Return, if a Re-
 ‘ turn shall be adjudged by the said Justice (or in
 ‘ the Clerk’s Court in the City of Saint John, *as*
 ‘ *the Case may be*) then the said Bond to be void,
 ‘ otherwise to be in Force and Effect.

The Clerk’s
 Court in the Ci-
 ty of Saint John
 to have the same
 Power as Justi-
 ces.

XIII. And be it further enacted, That the Clerk’s 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 Proceeding in the said Clerk’s Court.

CAP. X.

An Act to continue an Act granting a Bounty on the Destruction of Bears in this Province.

Passed 25th March 1831.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to grant a Bounty on the Destruction of Bears in this Province*, be and the same is hereby continued and declared to be in Force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty six.

9 Geo. 4, C. 19,
Continued till
1st April 1836.

CAP. XI.

An Act to incorporate the Minister and Elders of the Kirk of Scotland, in the Town of Newcastle, and for the Purposes therein mentioned.

Passed 25th March 1831.

WHEREAS sundry Inhabitants of the Town of Newcastle and its Vicinity, in the County of Northumberland, being of the Protestant Profession of Worship approved of by the General Assembly of the Church of Scotland, have by voluntary Contributions 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 Parcel of Land on which the said Church has been erected—being Part of the Lot Number Two, and bounded as follows : that is to say, Beginning at the North Side of the Highway running through Newcastle aforesaid, One Rod distant from the Western Boundary of the County Lot or Grant Number Three ; thence running Twenty three Rods and One Half of a Rod along the

Preamble.

‘ the said Western Boundary of the said Lot
 ‘ Number Three, one Rod distant from the said
 ‘ Boundary ; thence, at a Right Angle, Wester-
 ‘ ly, Nine Rods ; thence, at a Right Angle,
 ‘ Southerly, Twenty six Rods and One Half of a
 ‘ Rod, or until it meets the said Highway ;
 ‘ thence, along the said Highway, Easterly, until
 ‘ it meets the First mentioned Boundary ; con-
 ‘ taining in the whole One Acre and the One Half
 ‘ of an Acre—is now in sundry Inhabitants of the
 ‘ said Town of Newcastle and its Vicinity, in
 ‘ Trust and for the Use of the Persons of the
 ‘ Profession aforesaid : And Whereas the said
 ‘ Persons are desirous that the said Title to the
 ‘ said Parcel of Land should be transferred to
 ‘ and vested in the Minister and Elders of the
 ‘ said Church ; which said Minister and Elders
 ‘ have been duly appointed and chosen according
 ‘ to the Usages of the said Church of Scotland,
 ‘ and the said Minister has been duly licensed to
 ‘ officiate in the said 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*,
 shall be deemed and taken to be, in all Courts of
 Law and Equity, the Proprietors of the said Par-
 cel of Land, instead of the said Persons now hav-
 ing title thereto as aforesaid, and that the said
 Title to the said Parcel of Land shall hencefor-
 ward be transferred to and vested in the said
 Ministers and Elders, and their Successors, for-
 ever, being so elected and appointed, and appro-
 ved and licensed as aforesaid, to have, hold,
 use and enjoy the same for the Use and Intent
 aforesaid ; saving nevertheless the Right of His
 Majesty, His Heirs and Successors, and of all
 Bodies Politic and Corporate, and of all other
 Persons, to the said Parcel of Land, except the
 said Persons in whom the Title is vested as
 aforesaid, for the Use aforesaid. II.

The described
 Land vested in
 the Minister and
 Elders.

Rights reserved.

II. And be it further enacted, That the said Minister and Elders shall be and they are hereby incorporated by the name of the '*Minister and Elders of the Kirk of Scotland, in the Town of Newcastle,*' 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 the Sum of Five hundred Pounds, and also to accept of and receive Donations for the Endowment of the same.

Minister and Elders incorporated.

May hold Real Estate to the amount of Five hundred Pounds per annum.

CAP. XII.

An Act to remove Doubts respecting the Competency of Citizens of the City of Saint John as Witnesses in Cases where the Corporation of that City is a Party.

Passed 25th March 1831.

WHEREAS Doubts have arisen as to the Competency of Citizens of the City of Saint John, as Witnesses in Cases where the Corporation of that City is a Party:

Preamble.

Be it declared and enacted by the President, Council, and Assembly, That no Person shall be deemed an incompetent Witness in any Case in which the Mayor, Aldermen and Commonalty of the City of Saint John may be a Party or interested, by reason of such Person being an Inhabitant, Freeholder or Freeman of the said City.

Citizens to be competent Witnesses in Cases where the Corporation is a Party.

CAP. XIII.

An Act to revive an Act, intituled *An Act for regulating the Courts of Law established in the several Counties for the Trial of Causes to the Value of Forty Shillings.*

Passed 25th March 1831.

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

26 Geo. 3, C. 10, so far as it relates to the City of Saint John, revived for Two Years.

Twenty sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for regulating the Courts of Law established in the several Counties for the Trial of Causes to the Value of Forty Shillings*, be and the same is hereby revived and declared to be in full Force for the Term of Two Years, so far as the same relates to the City of Saint John.

CAP. XIV.

An Act for improving the Administration of Justice in Criminal Cases.

Passed 25th March 1831.

Preamble.

WHEREAS by Two several Acts of the Parliament of the United Kingdom, one of which was passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, and is intituled *An Act for improving the Administration of Criminal Justice in England*,* and the other was passed in the Seventh and Eighth Years of the same Reign, and is intituled *An Act for repealing various Statutes in England relative to the Benefit of Clergy, and to Larceny and other Offences connected therewith*

* The Statutes repealed by this Act are as follows :—

3 Ed. 1. c. 15.	6 Ann (vulgo 5 Ann.) C. 31. (partially)
7 H. 5.	6 G. 1. c. 23.
9 H. 5. c. 1.	25 G. 2. c. 36. s. 11.
18 H. 6. c. 12.	27 G. 2. c. 3. s. 3.
23 H. 6. c. 9. (partially)	18 G. 3. c. 19. s. 7, 8.
1 Ric. 3. c. 3.	43 G. 3. c. 59. s. 3.
3 H. 7. c. 3. (partially)	43 G. 3. c. 113. s. 5.
25 H. 8. c. 3.	56 G. 3. c. 73.
32 H. 8. c. 3. (partially)	58 G. 3. c. 70. (partially)
2 & 3 Ed. 6. c. 24.	59 G. 3. c. 27.
5 & 6 Ed. 6. c. 10.	59 G. 3. c. 96.
1 & 2 P. & M. c. 13.	1 G. 4. c. 102.
2 & 3 P. & M. c. 10.	3 G. 4. c. 38. (partially)
4 W. & M. c. 9.	3 G. 4. c. 126. s. 60.
10 & 11 W. 3. c. 23. (partially)	6 G. 4. c. 56.
1 Ann. st. 2. c. 9. s. 1.	

*‘ therewith, and to malicious Injuries to Pro-
 ‘ perty, and to Remedies against the Hundred,†
 ‘ various*

† The Statutes repealed by this Act are as follows :—

9 H. 3. st. 2. c. 10.	22 & 23 Car. 2. c. 11. s. 12.
8 Ed. 1. c. 2, 20.	22 & 23 Car. 2. c. 25. except s. 1 to 3.
13 Ed. 1. st. 1. c. 46. (partially)	3 W. & M. c. 9.
13 Ed. 1. st. 2. (partially)	4 W. & M. c. 23 (partially.)
21 Ed. 1. st. 2.	4 W. & M. c. 24. s. 13.
1 Ed. 3. st. 1. c. 8.	10 W. 3. c. 12. (vulgo 10 & 11 W. 3. c. 23.) except s. 7, 8.
25 Ed. 3. st. 6. (vulgo st. 3) c. 4, 5.	1 Ann. st. 2. c. 9. except s. 3.
28 Ed. 3. c. 11.	6 Ann. c. 9. (vulgo 5 Ann. c. 6.)
34 Ed. 3. c. 22.	12 Ann. st. 1. c. 7.
37 Ed. 3. c. 19.	13 Ann. c. 21. (vulgo 12 Ann. st. 2. c. 18.) s. 4, 5.
8 H. 6. c. 12. s. 3.	1 G. 1. st. 2. c. 5. s. 4, 6.
33 H. 6. c. 1.	1 G. 1. st. 2. c. 48.
1 H. 7. c. 7.	4 G. 1. c. 11. except s. 7.
4 H. 7. c. 13.	5 G. 1. c. 23.
21 H. 8. c. 7.	6 G. 1. c. 16.
21 H. 8. c. 11.	9 G. 1. c. 22.
25 H. 8. c. 1.	2 G. 2. c. 25. s. 3.
23 H. 8. c. 11.	4 G. 2. c. 32.
31 H. 8. c. 2.	6 G. 2. c. 37.
33 H. 8. c. 1.	8 G. 2. c. 16.
34 & 35 H. 8. c. 14.	8 G. 2. c. 20.
35 H. 8. c. 17.	10 G. 2. c. 32. except s. 10.
37 H. 8. c. 6.	11 G. 2. c. 22. s. 5 to the end.
37 H. 8. c. 8. s. 2.	13 G. 2. c. 21.
1 Ed. 6. c. 12. s. 10, 14.	14 G. 2. c. 6.
2 & 3 Ed. 6. c. 33.	15 G. 2. c. 34.
5 & 6 Ed. 6. c. 9.	22 G. 2. c. 24.
4 & 5 P. & M. c. 4. (partially)	22 G. 2. c. 46. s. 34.
5 Eliz. c. 10.	24 G. 2. c. 45.
5 Eliz. c. 21.	25 G. 2. c. 10.
8 Eliz. c. 4.	25 G. 2. c. 36. s. 1.
13 Eliz. c. 25. s. 3, 18, 19.	26 G. 2. c. 19. s. 1, 2, 3, 4, &
18 Eliz. c. 7. (partially)	28 G. 2. c. 19. s. 3.
27 Eliz. c. 13.	29 G. 2. c. 30.
31 Eliz. c. 4.	29 G. 2. c. 36. s. 6, 7, 8, 9.
31 Eliz. c. 12. s. 5.	30 G. 2. c. 24. s. 1.
39 Eliz. c. 15.	31 G. 2. c. 35.
43 Eliz. c. 7.	2 G. 3. c. 29.
43 Eliz. c. 13.	4 G. 3. c. 12.
2 Jac. 1. c. 27. (partially)	4 G. 3. c. 31.
[Recognized as existing in 2 G. 3. c. 29.]	5 G. 3. c. 14.
3 Jac. 1. c. 13.	6 G. 3. c. 36.
7 Jac. 1. c. 13.	6 G. 3. c. 48.
[The last two Acts are recognized as existing in 16 G. 3. c. 30.]	9 G. 3. c. 29.
15 Car. 2. c. 2.	9 G. 3. c. 41.
22 Car. 2. c. 5.	10 G. 3. c. 18.
22 & 23 Car. 2. c. 7.	10 G. 3. c. 48.
	13 G. 3. c. 31. s. 4, 5.

‘ various Statutes therein particularly specified,
 ‘ were repealed : And Whereas divers of the
 ‘ said Statutes so repealed in England, have hith-
 ‘ erto been considered in Force and acted upon
 ‘ in this Province, and it is deemed expedient
 ‘ that the Operation of the same should also
 ‘ cease in this Province, and that divers Acts
 ‘ of Assembly hereinafter specified should also
 ‘ be repealed, and Provision be made by Act of
 ‘ Assembly for improving the Administration of
 ‘ Criminal Justice, after the Example of the Im-
 ‘ perial Parliament in that respect :’

Acts of Parli-
 ment repealed in
 England by 7
 Geo. 4, c. 64,
 and 7 & 8 Geo.
 4, c. 27, or such
 or so much of
 them as are in
 force in this
 Province, de-
 clared to be re-

I. Be it therefore enacted by the President,
 Council, and Assembly, That all and singular
 the Statutes or Acts of Parliament, or Parts
 of Statutes or Acts of Parliament, repealed in
 England by the said Two several Acts of Par-
 liament herein before recited, or such or so
 much of them as are or have been deemed to be
 in Force in this Province, be and the same are
 hereby declared to be repealed and of no Force
 or

13 G. 3. c. 32.	51 G. 3. c. 41.
13 G. 3. c. 33.	51 G. 3. c. 120.
16 G. 3. c. 30.	52 G. 3. c. 63.
19 G. 3. c. 74. except s. 70.	52 G. 3. c. 64.
21 G. 3. c. 68.	52 G. 3. c. 130.
21 G. 3. c. 69.	53 G. 3. c. 162. (partially)
22 G. 3. c. 58.	56 G. 3. c. 125.
31 G. 3. c. 35.	57 G. 3. c. 19. s. 38.
31 G. 3. c. 51.	1 G. 4. c. 56.
38 G. 3. c. 67. s. 5, 6.	1 G. 4. c. 115. (partially)
36 G. 3. c. 9. s. 3 to the end.	1 G. 4. c. 117.
39 G. 3. c. 85.	3 G. 4. c. 24.
39 & 40 G. 3. c. 77. s. 1, 5.	3 G. 4. c. 33.
41 G. 3. c. 24. (U. K.)	3 G. 4. c. 38. (partially)
42 G. 3. c. 67.	3 G. 4. c. 114. (partially)
42 G. 3. c. 107.	3 G. 4. c. 126. s. 128.
43 G. 3. c. 58. part of s. 1.	4 G. 4. c. 46. (partially)
43 G. 3. c. 113. except s. 6.	4 G. 4. c. 53. (partially)
44 G. 3. c. 92. s. 7, 8.	4 G. 4. c. 54. (partially)
45 G. 3. c. 66.	6 G. 4. c. 19.
48 G. 3. c. 129.	6 G. 4. c. 94. s. 7, 8, 9, 10.
48 G. 3. c. 144.	7 G. 4. c. 69.

And all Acts continuing or perpetuating any of the foregoing
 Acts or Parts thereof, so far as relates to the continuing or perpe-
 tuating of the same.

or Effect within the same, any Law, Usage, or Custom to the contrary notwithstanding; except nevertheless so far as any of the said Statutes may repeal the Whole or any Part of any other Statutes.

II. And be it enacted, That an Act of Assembly made and passed in the Twenty sixth Year of the Reign of King George the Third, intituled *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*; and an Act made and passed in the same year of the same Reign, intituled *An Act for the Trial and Punishment of Criminals who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes*; and an Act made and passed in the Twenty ninth Year of the same Reign, intituled *An Act relating to the Punishment of Persons convicted of Felony within the Benefit of Clergy*; and an Act made and passed in the Forty second Year of the same Reign, intituled *An Act to render Persons convicted of Petty Larceny competent Witnesses*; and an Act made and passed in the Fiftieth Year of the same Reign, intituled *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*; and an Act made and passed in the Fifty sixth Year of the same Reign, intituled *An Act to provide for the Punishment of Horse Stealing*; and an Act made and passed in the same Year of the same 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*; and an Act made and passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal an*

Acts of Assembly.
26 Geo. 3. c. 60,

26 Geo. 3. c. 61,

29 Geo. 3. c. 7,

42 Geo. 3. c. 4,

50 Geo. 3. c. 2,

56 Geo. 3. c. 5,

56 Geo. 3. c. 9,

10 & 11 Geo. 4.
c. 32.

an Act to define and describe the Crime of Petit Larceny, and to make Provision for the Punishment of the same; and an Act made and passed in the same Year of the same Reign, intituled An Act in Addition to and in Amendment of an Act, intituled An Act relating to the Punishment of Persons convicted of Felony within the Benefit of Clergy, be and the same are hereby repealed; except so far as any of the said Acts may repeal the Whole or any Part of any other Acts.

10 & 11 Geo. 4.
c. 36,

repealed.

Persons charged with Felony not bailable by a Justice of the Peace, unless expressly made so by Statute.

III. And be it enacted, That where any Person shall be taken on a Charge of Felony, or Suspicion of Felony, before One or more Justice or Justices of the Peace, and the Evidencè shall be such as not to warrant a Dismissal of the Charge, such Person shall be committed to Prison by such Justice or Justices, except in Cases where Authority may be expressly given to such Justice or Justices to admit to Bail, by any Act or Statute.

Before any Person charged with Felony shall be committed or bailed, the Justice shall take down in Writing the Examination of the Prisoner and the Information of the Witnesses, and bind the Witnesses to appear at the Trial.

IV. And be it enacted, That such Justice or Justices, before he or they shall commit to Prison, or admit to Bail, any Person arrested for Felony, or on Suspicion of Felony, shall take the Examination of such Person, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, and shall certify such Bailment in Writing; and every such Justice shall have Authority to bind by Recognizance all such Persons as know or declare any Thing material touching any such Felony, or Suspicion of Felony, to appear at the next Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, or Sessions of the Peace, at which the Trial thereof is intended to be, then and there to prosecute or give Evidence against the Party accused; and such Justice and Justicès respectively shall

shall subscribe all such Examinations, Informations, Bailments and Recognizances, and deliver or transmit the same to the proper Officer of the Court in which the Trial is to be, before or at the Opening of the Court.

Examinations,
&c. to be transmitted to the Court.

V. Provided always, and be it enacted, That any Person charged with Felony, or Suspicion of Felony, may be admitted to Bail by Order of the Supreme Court, or any One of the Judges of the same Court, without bringing the Body of the Person charged before such Court or Judge; and such Court or Judge may order to be transmitted to them or him the Evidence taken before the Justice or Justices of the Peace against the Person charged, for the Purpose of considering an Application for Bail, without a Writ of *Certiorari* being issued for that Purpose; and any Order for Bailment to be made by such Court or Judge shall specify the Number of Sureties, and the Amount in which Security is to be taken; and Bailment by virtue of such Order may be made by any Justice or Justices of the Peace of the County or Place where the Person charged may be in Custody; which Justice or Justices shall require good and sufficient Bail to the Number and Amount specified in the Order, and shall certify the Bailment in Writing, and subscribe the same, and deliver or transmit the same, together with the Order for Bailment, to the proper Officer of the Court in which the Trial is to be, before or at the Opening of the Court.

Judges of the Supreme Court may order Bail in Cases of Felony without bringing the Body of the Person charged before them; and the Evidence may be transmitted without a *Certiorari*.

VI. And be it enacted, That every Justice of the Peace before whom any Person shall be taken on a Charge of Misdemeanor, or Suspicion thereof, shall take the Examination of the Person Charged, and the Information upon Oath of those who shall know the Facts and Circumstances of the Case, and shall put the same, or as much thereof as shall be material, into Writing, before he shall commit to Prison or re-

A Justice of the Peace may take the Bail ordered by the Judge of the Supreme Court.

Duty of Justice on Charges of Misdemeanor.

quire

quire Bail from the Person so charged ; and in every Case of Bailment shall certify the Bailment in Writing ; and shall have Authority to bind all Persons by Recognizance to appear to prosecute or give Evidence against the Party accused, in like Manner as in Cases of Felony ; and shall subscribe all Examinations, Informations, Bailments and Recognizances, and deliver or transmit the same to the proper Officer of the Court in which the Trial is to be, before or at the Opening of the Court, in like Manner as in Cases of Felony : Provided always, that nothing herein contained shall extend to Cases of Assault and Battery in which Summary Proceedings are had under the Provisions of an Act of Assembly passed in the Ninth and Tenth Years of the Reign of His late Majesty, intituled *An Act to amend the Statute Law relative to Offences against the Person, and to provide for the more effectual Punishment of such Offences.*

Duty of Coroner
on Inquisitions
for Murder or
Manslaughter,
&c.

VII. And be it enacted, That every Coroner, upon any Inquisition before him taken, whereby any Person shall be indicted for Manslaughter or Murder, or as an Accessory to Murder before the Fact, shall put in Writing the Evidence given to the Jury before him, or as much thereof as shall be material ; and shall have Authority to bind by Recognizance all such Persons as know or declare any Thing material touching the said Manslaughter or Murder, or the said Offence of being Accessory to Murder, to appear at the next Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, at which the Trial is to be, then and there to prosecute or give Evidence against the Party charged ; and every such Coroner shall certify and subscribe the same Evidence, and all such Recognizances, and also the Inquisition before him taken, and shall deliver or transmit the same to the proper Officer of the Court in which the Trial is to be, before or at Opening of the Court.

VIII.

VIII. And be it enacted, That every Felony shall be tried and determined in the Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, except in Cases where Power may be specially given by Act or Statute to any other Court to try and determine any Felony.

IX. And for the more effectual Prosecution of Accessories before the Fact to Felony; Be it enacted; That if any Person shall counsel, procure or command any other Person to commit any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes, Act or Acts of Assembly, made or to be made, the Person so counselling, procuring or commanding shall be deemed guilty of Felony, and may be indicted and convicted, either as an Accessory before the Fact to the principal Felony, together with the principal Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same Manner as any Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of the Person so counselling, procuring or commanding, howsoever indicted; may be inquired of, tried, determined and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if such Offence had been committed at the same Place as the principal Felony, although such Offence may have been committed either on the High Seas or at any Place on Land, whether within His Majesty's Dominions or without; and that in case the principal Felony shall have been committed within the Body of any County, and the Offence of counselling, procuring or commanding shall have been committed within the Body of any

All Felonies to be tried in the Supreme Court or Court of Oyer and Terminer.

Accessory before the Fact may be tried as such, or as a substantive Felon, by any Court which has Jurisdiction to try the principal Felon, although the Offence be committed on the High Seas or abroad.

If the Offences be committed in different Counties, Accessory may be tried in either.

other County, the last mentioned Offence may be inquired of, tried, determined and punished in either of such Counties: Provided always, that no Person who shall be once duly tried for any such Offence, whether as an Accessory before the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

Accessory after the Fact may be tried by any Court which has Jurisdiction to try the principal Felon.

‘X. And for the more effectual Prosecution of Accessories after the Fact to Felony;’ Be it enacted, That if any Person shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes, Act or Acts of Assembly, made or to be made, the Offence of such Person shall be deemed Felony, and may be inquired of, tried, determined and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if the Act, by reason whereof such Person shall have become an Accessory, had been committed at the same Place as the principal Felony, although such Act may have been committed either on the High Seas or at any Place on Land, whether within His Majesty’s Dominions or without; and that in case the principal Felony shall have been committed within the Body of any County, and the Act by reason whereof any Person shall have become Accessory shall have been committed within the Body of any other County, the Offence of such Accessory may be inquired of, tried, determined and punished in either of such Counties: Provided always, that no Person who shall be once duly tried for any Offence of being an Accessory shall be liable to be again indicted or tried for the same Offence.

If the Offences be committed in different Counties, Accessory may be tried in either.

Accessory may be prosecuted after Conviction of the Principal, although the Principal be not attainted.

‘XI. And in order that all Accessories may be convicted and punished in Cases where the principal Felon is not attainted;’ Be it enacted, That if any principal Offender shall be in any-
wise

wise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned, or otherwise delivered before Attainder; and every such Accessory shall suffer the same Punishment, if he or she be in anywise convicted, as he or she should have suffered if the Principal had been attainted.

‘ XII. And for the more effectual Prosecution of Offences committed near the Boundaries of Counties, or partly in one County and partly in another, or in Places with respect to which it may be uncertain within which of Two or more Counties they are situate ;’ Be it enacted, That where any Felony or Misdemeanor shall be committed on the Boundary or Boundaries of Two or more Counties, or within the Distance of One Mile from any such Boundary or Boundaries, or in any Place or Places with respect to which it may be uncertain within which of Two or more Counties they may be situate, or where any Felony or Misdemeanor shall be begun in One County and completed in another, every such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished in any of the said Counties, in the same Manner as if it had been actually and wholly committed therein.

‘ XIII. And for the more effectual Prosecution of Offences committed during Journeys from Place to Place ;’ Be it enacted, That where any Felony or Misdemeanor shall be committed on any Person, or on or in respect of any Property in or upon any Coach, Waggon, Cart, Sleigh, Sled or other Carriage whatever employed in any Journey, or shall be committed on any Person, or on or in respect of any Property on board any Vessel or Boat whatever employed on any Voyage or Journey upon any navigable River,

Offences committed on the Boundaries of Counties, or where it is uncertain in which of Two Counties the Place is situate, may be tried in either County.

Offences committed during a Journey or Voyage may be tried in any County through which the Coach, &c. passed.

ver, Canal, or Inland Navigation, or on or in respect of any Property in, upon or forming Part of any Raft whatever passing in or upon any such navigable River, Canal, or Inland Navigation, such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished in any County through any Part whereof such Coach, Waggon, Cart, Sleigh, Sled, Carriage, Vessel, Boat or Raft shall have passed in the Course of the Journey, Voyage or Passage during which such Felony or Misdemeanor shall have been committed, in the same Manner as if it had been actually in such County ; and in all Cases where the Side, Centre or other Part of any Highway, or the Side, Bank, Centre or other Part of any such River, Canal or Navigation, shall constitute the Boundary of any Two Counties, such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished in either of the said Counties through or adjoining to or by the boundary of any Part whereof such Coach, Waggon, Cart, Sleigh, Sled, Carriage, Vessel, Boat or Raft shall have passed in the Course of the Journey, Voyage or Passage during which such Felony or Misdemeanor shall have been committed, in the same Manner as if it had been actually committed in such County.

In indictments for Offences committed on the Property of Partners it may be laid in any one Partner by Name and others.

‘XIV. And in order to remove the Difficulty of stating the Names of all the Owners of Property in the Case of Partners and other Joint Owners ;’ Be it enacted, That in any Indictment or Information for any Felony or Misdemeanor, wherein it shall be requisite to state the Ownership of any Property whatsoever, whether real or personal, which shall belong to or be in the Possession of more than One Person, whether such Persons be Partners in Trade, Joint Tenants, Parceners or Tenants in Common, it shall be sufficient to name One of such Persons, and

to state such Property to belong to the Person so named, and another, or others, as the Case may be ; and whenever, in any Indictment or Information for any Felony or Misdemeanor, it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in the Manner aforesaid ; and this Provision shall be construed to extend to all Joint Stock Companies and Trustees.

‘ XV. And with respect to the Property of ‘ Counties ; ’ Be it enacted, That in any Indictment or Information for any Felony or Misdemeanor committed in, upon or with respect to any Bridge, Court House, Gaol, House of Correction, Infirmary, Asylum or other Building erected or maintained in Whole or in Part at the Expense of any County or City and County, or on or with respect to any Goods or Chattels whatsoever, provided for or at the Expense of any County or City and County, to be used for building, altering or repairing any Bridge, Court House or other such Building as aforesaid, or to be used in or with any such Bridge, Court House or other Building, it shall be sufficient to state any such Property, real or personal, to belong to the Inhabitants of such County or City and County ; and it shall not be necessary to specify the Names of any of such Inhabitants.

Property belonging to Counties, &c. may be laid in the Inhabitants of the County.

‘ XVI. And with respect to Property under the ‘ Management of Public Officers ; ’ Be it enacted, That in any Indictment or Information for any Felony or Misdemeanor committed on or with respect to any Building, or any Goods and Chattels, or any other Property, real or personal, whatsoever, in the Occupation of, or under the Superintendence, Charge or Management of any Public Officer or Commissioner whatsoever, or any County or Parish Officer or Commissioner whatsoever, it shall be sufficient to state any such

Property under the Management of Public Officers may be laid in the Public Officer.

such Property to belong to the Officer or Officers, Commissioner or Commissioners in whose Occupation, or within or under whose Superintendence, Charge or Management such Property shall be, and it shall not be necessary to specify the Names of any of such Officers or Commissioners.

Indictment not
to abate by Dil-
atory Plea of
Misnomer.

‘XVII. And for preventing Abuses from dilatory Pleas;’ Be it enacted, That no Indictment or Information shall be abated by reason of any dilatory Plea of Misnomer or of Want of Addition, or of wrong Addition of the Party offering such Plea, if the Court shall be satisfied by Affidavit or otherwise of the Truth of such Plea; but in such Case the Court shall forthwith cause the Indictment or Information to be amended according to the Truth, and shall call upon such Party to plead thereto, and shall proceed as if no such dilatory Plea had been pleaded.

What defects
shall not vitiate
an Indictment
after Verdict, or
otherwise.

‘XVIII. And that the Punishment of Offenders may be less frequently intercepted in consequence of technical Nicities;’ Be it enacted, That no Judgment upon any Indictment or Information for any Felony or Misdemeanor, whether upon Demurrer, or after Verdict or Outlawry, or by Confession, Default or otherwise, shall be given in favor of any Prisoner or Defendant, or stayed or reversed for Want of the Averment of any Matter unnecessary to be proved, nor for the Omission of the Words “as appears by the Record,” or of the Words “with Force and Arms,” or of the Words “against the Peace,” nor for the Insertion of the Words “against the Form of the Statute or Act of Assembly,” instead of the Words “against the Form of the Statutes or Acts of Assembly,” or *vice versâ*, nor for that any Person or Persons mentioned in the Indictment or Information is or are designated by a Name of Office or other descriptive Appellation instead of his, her or their proper Name

or Names, nor for omitting to state the Time at which the Offence was committed, in any Case where Time is not of the Essence of the Offence, nor for stating the Time imperfectly, nor for stating the Offence to have been committed on a Day subsequent to the finding of the Indictment or exhibiting the Information, or on an impossible Day, or on a Day that never happened, nor for Want of a proper or perfect Venue, where the Court shall appear by the Indictment or Information to have had Jurisdiction over the Offence.

XIX. And be it enacted, That no Judgment after Verdict upon any Indictment or Information for any Felony or Misdemeanor shall be stayed or reserved for Want of a Similiter, nor by reason that the Jury Process has been awarded to a wrong Officer upon an insufficient Suggestion, nor for any Misnomer or Misdescription of the Officer returning such Process, or of any of the Jurors, nor because any Person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer; and that where the Offence charged has been created by any Act or Statute, or subjected to a greater Degree of Punishment by any Act or Statute, the Indictment or Information shall after Verdict be held sufficient to warrant the Punishment prescribed by the Act or Statute if it describe the Offence in the Words of the Act or Statute.

XX. And be it enacted, That if any Person being arraigned upon any Indictment for Treason or Felony shall plead thereto a Plea of "Not Guilty," he shall by such Plea, without any further Form, be deemed to have put himself upon the Country for Trial, and the Court shall, in the usual Manner, order a Jury for the Trial of such Person accordingly.

XXI. And be it enacted, That if any Person being arraigned upon or charged with any Indictment or Information for Treason, Felony or Misdemeanor,

What shall not be sufficient to stay or reverse Judgment after the Verdict.

A Plea of "Not Guilty," without more, shall put the Prisoner on his Trial by Jury.

If he refuses to plead, Court may order a Plea of "Not Guilty" to be entered.

Misdemeanor, shall stand mute of Malice, or will not answer directly to the Indictment or Information, in every such Case it shall be lawful for the Court, if it shall so think fit, to order the proper Officer to enter a plea of "Not Guilty" on behalf of such Person; and the Plea so entered shall have the same Force and Effect as if such Person had actually pleaded the same.

Attainder of another Crimo not pleadable.

XXII. And be it enacted, That no Plea setting forth any Attainder shall be pleaded in Bar of any Indictment, unless the Attainder be for the same Offence as that charged in the Indictment.

Jury shall not inquire of a Prisoner's Lands, &c. nor whether he fled.

XXIII. And be it enacted, That where any Person shall be indicted for Treason or Felony, the Jury empannelled to try such Person shall not be charged to inquire concerning his Lands, Tenements or Goods, nor whether he fled for such Treason or Felony.

No peremptory Challenge in Felony above Twenty.

XXIV. And be it enacted, That no Person arraigned for any Felony shall be admitted to any peremptory Challenge above the Number of Twenty; and if any Person indicted for any Treason or Felony shall challenge peremptorily a greater Number of the Men returned to be of the Jury than such Person is entitled by Law so to challenge, every peremptory Challenge beyond the Number allowed by Law in the Case then in hand shall be entirely void, and the Trial of such Person shall proceed as if no such Challenge had been made.

Every Challenge above the legal Number shall be void.

Benefit of Clergy abolished.

XXV. And be it enacted, That Benefit of Clergy, with respect to Persons convicted of Felony, shall be abolished; but that nothing herein contained shall prevent the Joinder in any Indictment of any Counts which might have been joined before the passing of this Act.

What Felonies only shall be Capital.

XXVI. And be it enacted, That no Person convicted of Felony shall suffer Death, unless it be for some Felony which was excluded from the

the Benefit of Clergy before or on the First Day of the present Session of the General Assembly, or which hath been or shall be made punishable with Death by some Act or Statute passed after that Day.

XXVII. And be it enacted, That every Person convicted of any Felony, not punishable with Death, shall be punished in the Manner prescribed by the Act or Acts, Statute or Statutes specially relating to such Felony; and that every Person convicted of any Felony for which no Punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable at the Discretion of the Court to be imprisoned for any Term not exceeding Two Years, and in Addition to such Imprisonment, if the Court shall so think fit, to be either fined in such Sum as the Court shall award, or, if a Male, to be Once, Twice or Thrice publicly or privately whipped.

Felonies not capital punishable under the Acts, if any, relating thereto; otherwise under this Act.

XXVIII. And with regard to the Place and Mode of Imprisonment for all Felonies; Be it enacted, That where any Person shall be convicted of any Felony for which Imprisonment may be awarded as a Punishment, it shall be lawful for the Court to sentence the Offender to be imprisoned either in the Common Gaol or the House of Correction, and also to be kept to hard Labour for the Whole or any Portion or Portions of such Imprisonment, as to the Court in its Discretion shall seem meet.

The Court may sentence to Labour in all Cases of Felony, where Imprisonment is awarded as a Punishment.

XXIX. And be it enacted, That wherever Sentence shall be passed for any Offence on a Person already under Sentence of Imprisonment for another Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced, although the

If a Person under Sentence of Imprisonment for another Offence is convicted of any Offence, the Court may pass a second Sentence, to commence after the Expiration of the first.

aggregate Term of Imprisonment may exceed the Term for which either of those Punishments could be otherwise awarded.

Punishment for a subsequent Felony.

‘ XXX. And Whereas it is expedient to provide for the more exemplary Punishment of Offenders who commit Felony after a previous Conviction for Felony, whether such Conviction shall have taken place before or after the Commencement of this Act ;’ Be it therefore enacted, That if any Person shall be convicted of any Felony, not punishable with Death, committed after a previous Conviction for Felony, such Person shall, on such subsequent Conviction, be liable to be imprisoned for any Term not exceeding Four Years, and, if a Male, to be Once, Twice or Thrice publicly or privately whipped (if the Court shall so think fit), in Addition to such Imprisonment ; and in an Indictment for any such Felony committed after a previous Conviction for Felony, it shall be sufficient to state that the Offender was at a certain Time and Place convicted of Felony, without otherwise describing the previous Felony ; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Felony, purporting to be signed by the Clerk of the Court, or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction without Proof of the Signature or official Character of the Person appearing to have signed the same ; and if any such Clerk, Officer or Deputy shall utter a false Certificate of any Indictment and Conviction for a previous Felony, or if any Person, other than such Clerk, Officer or Deputy, shall sign any such Certificate as such Clerk, Officer or Deputy, or shall utter any such Certificate

Form of Indictment for the subsequent Felony.

What shall be sufficient Proof of the first Conviction.

Uttering false Certificate of Conviction.

certificate

tificate with a false or counterfeit Signature thereto, every such Offender shall be guilty of Felony.

XXXI. And be it enacted, That if His Majesty shall be pleased to extend Mercy to any Offender convicted of any Crime punishable with Death, upon Condition of Transportation to any Place without the Limits of this Province, either for the Term of Life or for any Number of Years, and such Intention of Mercy shall be signified by the Governor or Commander-in-Chief of the Province to the Court before which such Offender hath been or shall be convicted, or any subsequent Court with the like Authority, such Court shall allow to such Offender the Benefit of a conditional Pardon, and make an Order for the immediate Transportation of such Offender; and in case such Intention of Mercy shall be so signified to any Judge of the Supreme Court, such Judge shall allow to such Offender the Benefit of a conditional Pardon, and make an Order for the immediate Transportation of such Offender, in the same Manner as if such Intention of Mercy had been signified to any such Court as aforesaid; and such Allowance and Order shall be considered as an Allowance and Order made by the Court before which such Offender was convicted, and shall be entered on the Records of the same Court by the proper Officer thereof, and shall be as effectual to all Intents and Purposes, and have the same Consequences, as if such Allowance and Order had been made by the same Court during the Continuance thereof; and every such Order shall subject the Offender to be conveyed to the Place or Places, without the Limits of this Province, therein mentioned, and to be liable to all the Regulations and Provisions of any Statute or Statutes of the Imperial Parliament relating to Offenders transported to such Place or Places.

Persons convicted of a capital Crime, and receiving a Pardon, on condition of Transportation, may be transported.

Rules for the Interpretation of all criminal Statutes.

XXXII. And be it enacted, That wherever this or any other Act or Statute relating to any Offence, whether punishable upon Indictment or summary Conviction, indescriving or referring to the Offence or the Subject Matter on or with respect to which it shall be committed, or the Offender or the Party affected or intended to be affected by the Offence, hath used or shall use Words importing the singular Number or the masculine Gender only, yet the Act or Statute shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be Something in the Subject or Context repugnant to such Construction; and wherever any Forfeiture or Penalty is payable to a Party aggrieved, it shall be payable to a Body Corporate in every Case where such Body shall be the Party aggrieved.

Every Punishment for Felony, after it has been endured, shall have the Effect of a Pardon under the Great Seal.

XXXIII. And Whereas it is expedient to prevent all Doubts respecting the Civil Rights of Persons convicted of Felonies not capital, who have undergone the Punishment to which they were adjudged; Be it therefore enacted, That where any Offender hath been or shall be convicted of any Felony not punishable with Death, and hath endured or shall endure the Punishment to which such Offender hath been or shall be adjudged for the same, the Punishment so endured hath and shall have the like Effects and Consequences as a Pardon under the Great Seal as to the Felony whereof the Offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such Punishment, shall prevent or mitigate any Punishment to which the Offender might otherwise be lawfully sentenced on a subsequent Conviction for any other Felony.

XXXIV.

‘XXXIV. And Whereas their are certain
 ‘Misdemeanor, which render the Parties con-
 ‘victed thereof incompetent Witnesses, and it is
 ‘expedient to restore the Competency of such
 ‘Parties after they have undergone their Punish-
 ‘ment;’ Be it therefore enacted, That where any
 Offender hath been or shall be convicted of any
 such Misdemeanor, (except Perjury or Suborna-
 tion of Perjury,) and hath endured or shall endure
 the Punishment to which such Offender hath
 been or shall be adjudged for the same, such
 Offender shall not, after the Punishment so en-
 dured, be deemed to be by reason of such Mis-
 demeanor an incompetent Witness in any Court
 or Proceeding, civil or criminal.

No Misdemeanor (except Perjury) shall render a Party an incompetent Witness after he has undergone the Punishment.

XXXV. And be it enacted, That this Act, shall commence and take Effect on the First Day of October in the present Year, except as to Offences and other Matters committed or done before or upon the last Day of September, which shall be dealt with and punished as if this Act had not been passed.

Commencement of this Act.

CAP. XV.

An Act for consolidating and amending the Laws relative to Larceny and other Offences connected therewith.

Passed 25th March 1831.

‘**W**HEREAS various Statutes heretofore in
 ‘Force in England, and deemed to be in Force
 ‘and acted upon in this Province, relative to
 ‘Larceny and other Offences connected there-
 ‘with, are, by an Act of the present Session of
 ‘the General Assembly for improving the Ad-
 ‘ministration of Justice in Criminal Cases, de-
 ‘clared to be repealed and of no Force and Ef-
 ‘fect in this Province; and various Acts of As-
 ‘sembly relating to the same Offences are also
 ‘repealed by the same Act; and the same Act is
 to

Preamble.

‘ to commence and take Effect on the First Day
 ‘ of October in the present Year ; and it is expe-
 ‘ dient that the Provisions relating to the same
 ‘ Offences should be amended and consolidated
 ‘ into this Act, to take Effect at the same Time
 ‘ with the said recited Act.’

Commencement
 of Act.

I. Be it therefore enacted by the President, Council, and Assembly, That this Act shall commence on the said First Day of October in the present Year, except as to Offences committed before or upon the last Day of September, which shall be dealt with and punished as if this Act had not been passed.

Distinction be-
 tween Grand
 and Petty Lar-
 cency abolished.

II. And be it enacted, That the Distinction between Grand Larceny and Petty Larceny shall be abolished, and every Larceny, whatever be the Value of Property stolen, shall be deemed to be of the same Nature, and shall be subject to the same Incidents in all Respects as Grand Larceny was before the Commencement of this

Punishment for
 Larceny.

Act ; and every Person convicted of Larceny shall be liable to the Punishment prescribed for Felony in the said recited Act of the present Session for improving the Administration of Justice in Criminal Cases : Provided always, that in Cases where by this or any other Act or Statute Jurisdiction is given to any Magistrate or Magistrates to try in a Summary Way any Larceny or other Offence connected therewith, it shall be lawful for such Magistrate or Magistrates to award such Punishment only as they are expressly authorized and empowered to do.

Except in Cases
 of Summary
 Conviction.

III. And be it enacted, That if any Person shall steal any Certificate, Order or other Security whatsoever, entitling or evidencing the Title of any Person, or Body Corporate, to any Share or Interest in any public Stock or Fund, whether of the United Kingdom, or of Great Britain or of Ireland, or of this or any other British Province, or of any Foreign State, or in any Fund
 of

Stealing public
 or private Secu-
 rities for Mo-
 ney, or War-
 rants for Goods,
 shall be Felony,
 and punishable
 according to the
 Circumstances
 like stealing
 Goods.

of any Body Corporate, Company or Society, or to any Deposit in any Savings Bank, or shall steal any Debenture, Deed, Bond, Bill, Note, Warrant, Order or other Security whatsoever, for Money or for Payment of Money, whether of the United Kingdom, or of Great Britain or of Ireland, or of this or any other British Province, or of any Foreign State, or shall steal any Warrant or Order for the Delivery or Transfer of any Goods or valuable Thing, every such Offender shall be deemed guilty of Felony, of the same Nature and in the same Degree, and punishable in the same Manner as if he had stolen any Chattel of like Value with the Share, Interest or Deposit to which the Security so stolen may relate, or with the Money due on the Security so stolen or secured thereby and remaining unsatisfied, or with the Value of the Goods or other valuable Thing mentioned in the Warrant or Order ; and each of the several Documents herein before enumerated shall throughout this Act be deemed for every Purpose to be included under and denoted by the Words “ Valuable Security.”

Rule of Interpretation.

IV. And be it enacted, That if any Person shall rob any other Person of any Chattel, Money or valuable Security, every such Offender, being convicted thereof, shall suffer Death as a Felon ; and if any Person shall with Menaces or by Force demand any such Property of any other Person with Intent to steal the same, or shall assault any other Person with Intent to rob him, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable to the Punishment prescribed for Felony in the said recited Act for improving the Administration of Justice in Criminal Cases.

Robbery capital.

Demands accompanied with Menaces or Force, and Assaults with Intent to commit Robbery.

V. And be it declared and enacted, That if any Person shall accuse or threaten to accuse any other Person of any infamous Crime, as hereinafter

Obtaining Money &c., by threatening to accuse a Party of an infamous

Crime, deemed
Robbery.

hereinafter defined, with a View or Intent to extort or gain from him, and shall by intimidating him by such Accusation or Threat extort or gain from him, any Chattel, Money or valuable Security, every such Offender shall be guilty of Robbery, and shall be indicted and punished accordingly.

Sending Letters
containing me-
nacing Demands,
or threatening
to accuse a
Party of an in-
famous Crime to
extort Money,
&c.

VI. And be it enacted, That if any Person shall knowingly send or deliver any Letter or Writing, demanding of any Person, with Menaces, and without any reasonable or probable Cause, any Chattel, Money, or valuable Security, or if any Person shall accuse or threaten to accuse, or shall knowingly send or deliver any Letter or Writing accusing or threatening to accuse, any Person of any Crime punishable by Law with Death, Imprisonment with hard Labour, or Pillory, or of any Assault with Intent to commit any Rape, or of any Attempt or Endeavour to commit any Rape, or of any infamous Crime, as hereinafter defined, with a View or Intent to extort or gain from such Person any Chattel, Money or valuable Security, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the Manner prescribed for Felony in the above-mentioned Act for improving the Administration of Justice in Criminal Cases.

What shall be
deemed an infa-
mous Crime.

‘VII. And for defining what shall be an infamous Crime within the Meaning of this Act;’ Be it enacted, That the abominable Crime of Buggery, committed either with Mankind or with Beast, and every Assault with Intent to commit the said abominable Crime, and every Attempt or Endeavour to commit the said abominable Crime, and every Solicitation, Persuasion, Promise or Threat offered or made to any Person whereby to move or induce such Person to commit or permit the said abominable Crime, shall be deemed to be an infamous Crime within the meaning of this Act.

VIII.

VIII. And be it enacted, That every Person convicted of Burglary shall suffer Death as a Felon: and it is hereby declared, that if any Person shall enter the Dwelling-House of another with Intent to commit Felony, or being in such Dwelling-House shall commit any Felony, and shall in either Case break out of the said Dwelling-House, in the Night Time, such Person shall be deemed guilty of Burglary.

Burglary capital.

IX. Provided always, and be it enacted, That no Building, although within the same Curtilage with the Dwelling-House and occupied therewith, shall be deemed to be Part of such Dwelling-House for the purpose of Burglary, unless there shall be a Communication between such Building and Dwelling-House, either immediate, or by means of a covered and inclosed Passage leading from one to the other.

What Buildings only are Part of a House for capital Purposes.

X. And be it enacted, That if any Person, in the Night Time, shall break and enter any Building, being within the Curtilage of a Dwelling-House and occupied therewith, but not being Part thereof according to the Provision hereinbefore mentioned, or any public Office, or other public Building, or any Shop, Warehouse, Counting House, Bank, Office or other Building used or occupied for carrying on any Trade or Business, such public Office, public Building, Shop, Warehouse, Counting House, Bank, Office or other Building, not being a Dwelling-House, for the purpose of Burglary, with intent in any such Case to commit Felony, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable to the Punishment prescribed for Felony in the said recited Act for improving the Administration of Justice in Criminal Cases.

Breaking in the Night Time into Buildings, not being Houses for capital Purposes.

XI. And be it enacted, That if any Person shall steal, or shall for any fraudulent Purpose take from its Place of Deposit for the Time being,

The stealing, &c. of Records and other Proceedings of Courts of Justice.

ing, or from any Person having the lawful Custody thereof, or shall unlawfully and maliciously obliterate, injure or destroy, any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original Document whatsoever of or belonging to any Court of Record, or relating to any Matter, civil or criminal, begun, depending or terminated in any such Court, or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order or Decree, or any original Document whatsoever of or belonging to any Court of Equity, or relating to any Cause or Matter begun, depending, or terminated in any such Court, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to suffer such Punishment by Fine or Imprisonment, or by both, as the Court shall award; the Imprisonment to be either with or without hard Labour as the Court shall think fit, and in no Case to exceed the Term of Two Years; and it shall not in any Indictment for such Offence be necessary to allege that the Article, in respect of which the Offence is committed, is the Property of any Person, or that the same is of any Value.

The stealing,
&c. of Wills.

XII. And be it enacted, That if any Person shall, either during the Life of the Testator or Testatrix, or after his or her Death, steal, or for any fraudulent Purpose destroy or conceal, any Will, Codicil or other Testamentary Instrument, whether the same shall relate to real or personal Estate, or to both, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to suffer such Punishment as is herein before last mentioned; and it shall not in any Indictment for such Offence be necessary to allege that such Will, Codicil or other Instrument, is the Property of any Person, or that the same is of any Value.

XIII.

XIII. And be it enacted, That if any Person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being Evidence of the Title or of any Part of the Title to any real Estate, every such Offender shall be deemed guilty of a Misdemeanor, and being convicted thereof shall be liable to suffer such Punishment as is herein before last mentioned ; and in any Indictment for such Offence, it shall be sufficient to allege the Thing stolen to be Evidence of the Title, or of Part of the Title, of the Person or of some One of the Persons having a present Interest, whether legal or equitable, in the real Estate to which the same relates, and to mention such real Estate, or some Part thereof ; and it shall not be necessary to allege the Thing stolen to be of any Value.

The stealing of Writings relating to real Estate.

XIV. Provided always, and be it enacted, That nothing in this Act contained relating to either of the Misdemeanors aforesaid, nor any Proceeding, Conviction or Judgment to be had or taken thereupon, shall prevent, lessen or impeach any Remedy at Law or in Equity which any Party aggrieved by any such Offence might or would have had if this Act had not been passed ; but nevertheless the Conviction of any such Offender shall not be received in Evidence in any Action at Law or Suit in Equity against him ; and no Person shall be liable to be convicted of either of the Misdemeanors aforesaid, by any Evidence, whatever, in respect of any Act done by him, if he shall at any Time previously to his being indicted for such Offence have disclosed such Act, on Oath, in consequence of any compulsory Process of any Court of Law or Equity in any Action, Suit or Proceeding which shall have been *bonâ fide* instituted by any Party aggrieved.

These Provisions as to Wills and Writings shall not lessen any Remedy which the Party aggrieved now has.

XV. And be it enacted, That if any Person shall wilfully kill any Horse; Mare, Gelding, Colt or Filly, or any Bull, Cow, Ox, Heifer or Calf,

Killing Horses, Cows or Sheep with Intent to Steal.

Calf, or any Ram, Ewe, Sheep or Lamb, with Intent to steal the Carcase or Skin or any Part of the Cattle so killed, every such Offender shall be guilty of Felony, and being convicted thereof shall be liable to be punished in the Manner prescribed for Felony in the above mentioned Act for improving the Administration of Justice in Criminal Cases.

Clerks or Servants receiving any Money &c., on their Master's Account, and embezzling it, shall be deemed to have feloniously stolen it.

‘XVI. And for the Punishment of Embezzlements committed by Clerks and Servants ;’ Be it declared and enacted, That if any Clerk or Servant, or any Person employed for the Purpose or in the Capacity of a Clerk or Servant, shall, by virtue of such Employment, receive or take into his Possession any Chattel, Money or valuable Security, for or in the Name or on the Account of his Master, and shall fraudulently embezzle the same, or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master, although such Chattel, Money or Security was not received into the Possession of such Master otherwise than by the actual Possession of his Clerk, Servant or other Person so employed ; and every such Offender, being convicted thereof, shall be liable to be punished in the Manner herein before last mentioned.

Distinct Acts of Embezzlement may be charged in the same Indictment.

‘XVII. And for preventing the Difficulties that have been experienced in the Prosecution of the last mentioned Offenders ;’ Be it enacted, That it shall be lawful to charge in the Indictment and proceed against the Offender for any Number of distinct Acts of Embezzlement, not exceeding Three, which may have been committed by him against the same Master within the Space of Six Calendar Months from the first to the last of such Acts ; and in every such Indictment, except where the Offence shall relate to any Chattel, it shall be sufficient to allege the Embezzlement to be of Money, without specifying

ing any particular Coin or valuable Security ; and such Allegation, so far as regards the Description of the Property, shall be sustained, if the Offender shall be proved to have embezzled any Amount, although the particular Species of Coin or valuable Security of which such Amount was composed shall not be proved ; or if he shall be proved to have embezzled any Piece of Coin or valuable Security, or any Portion of the Value thereof, although such Piece of Coin or valuable Security may have been delivered to him in order that some Part of the Value thereof should be returned to the Party delivering the same, and such Part shall have been returned accordingly.

As to Allegation and Proof of the Property embezzled.

‘ XVIII. And Whereas a Failure of Justice frequently arises from the subtle Distinction between Larceny and Fraud ;’ For Remedy thereof be it enacted, That if any Person shall by any false Pretence obtain from any other Person any Chattel, Money or valuable Security, with Intent to cheat or defraud any Person of the same, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to suffer such Punishment, by Fine or Imprisonment, or both, as the Court shall award ; the Imprisonment to be either with or without hard Labour as the Court shall see fit, and not in any Case to exceed the Term of Two Years ; provided always, that if upon the Trial of any Person indicted for such Misdemeanor it shall be proved that he obtained the Property in Question in any such Manner as to amount in Law to Larceny, he shall not by reason thereof be entitled to be acquitted of such Misdemeanor ; and no Person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same Facts.

Obtaining Money &c., by false Pretences a Misdemeanor.

No Acquittal on the ground that the Case proved amounts to Larceny.

‘ XIX. And with regard to Receivers of stolen Property ;’ Be it enacted, That if any Person shall receive any Chattel, Money, valuable Security,

Where the original Offence is Felony, the Receivers of stolen

ity,

Property may be tried either as Accessories after the Fact, or for a substantive Felony.

rity, or other Property whatsoever, the stealing or taking whereof shall amount to a Felony, either at Common Law, or by virtue of this Act, such Person knowing the same to have been feloniously stolen or taken, every such Receiver shall be guilty of Felony, and may be indicted and convicted either as an Accessory after the Fact, or for a substantive Felony; and in the latter Case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and any Court that has power to try the principal Felon, may also try the Receiver, howsoever indicted; and every such Receiver, howsoever convicted, shall be liable to be punished in the Manner proscribed for Felony in the said Act for improving the Administration of Justice in Criminal Cases: Provided always, that no Person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a Second Time for the same Offence.

Where the original Offence is a Misdemeanor, Receivers may be prosecuted for a Misdemeanor.

XX. And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, the stealing, taking, obtaining or converting whereof is made an indictable Misdemeanor by this Act, such Person knowing the same to have been unlawfully stolen, taken, obtained or converted, every such Receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof; whether the Person guilty of the principal Misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to Justice; and every such Receiver shall on Conviction be liable to be punished in the Manner provided for the Person guilty of the principal Misdemeanor.

All Receivers may be tried where the Principal is triable,

XXI And be it enacted, That if any Person shall receive any Chattel, Money, valuable Security, or other Property whatsoever, knowing the same

same to have been feloniously or unlawfully stolen, taken, obtained or converted, every such Person, whether charged as an Accessory after the Fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried, and punished in any County or Place in which he shall have or shall have had any such Property in his Possession, or in any County or Place in which the Party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same Manner as such Receiver may be dealt with, indicted, tried, and punished in the County or Place where he actually received such Property.

or where the Property is found in their Possession, as well as where the receiving takes place.

‘XXII. And to encourage the Prosecution of Offenders;’ Be it enacted, That if any Person guilty of any such Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining or converting, or in knowingly receiving, any Chattel, Money, valuable Security, or other Property whatsoever, shall be indicted for any such Offence, by or on the behalf of the Owner of the Property, or his Executor, or Administrator, and convicted thereof, in such Case the Property shall be restored to the Owner or his Representative; and the Court before whom any such Person shall be so convicted shall have Power to award from time to time Writs of Restitution for the said Property, or to order the Restitution thereof in a summary Manner; and the Court may in like Manner, if it shall see fit, order the Restitution of Property, in Cases where the Party so indicted as aforesaid may not be convicted, if it shall clearly appear that the Property had been stolen, or taken or obtained from the Owner by Felony, or Misdemeanor as aforesaid: Provided always, that if it shall appear before any Award or Order made that any valuable Security shall have been *bonâ fide* paid or discharged by some Person or Body Corporate liable

The Owner of stolen Property prosecuting Th of or Receiver to conviction shall have Restitution of Property.

Exception.

ble

ble to the Payment thereof, or being a negotiable Instrument shall have been *bonâ fide* taken or received by Transfer or Delivery, by some Person or Body Corporate, for a just and valuable Consideration, without any Notice, or without any reasonable Cause to suspect that the same had by any Felony or Misdemeanor been stolen, taken, obtained or converted as aforesaid, in such Case the Court shall not award or order the Restitution of such Security.

Taking a Reward for helping to the Recovery of stolen Property without bringing the Offender to Trial.

XXIII. And be it enacted, That every Person who shall corruptly take any Money or Reward, directly or indirectly, under Pretence or upon Account of helping any Person to any Chat-
tel, Money, valuable Security, or other Property whatsoever, which shall by any Felony or Misdemeanor have been stolen, taken, obtained or converted as aforesaid, shall (unless he cause the Offender to be apprehended and brought to Trial for the same) be guilty of Felony, and being convicted thereof shall be liable to be punished in Manner prescribed for Felony in the said Act for improving the Administration of Criminal Justice.

Principals in the Second Degree and Accessories.

XXIV. And be it enacted, That in the Case of every Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable ; and every Accessory after the Fact to any Felony punishable under this Act (except only a Receiver of stolen Property) shall on Conviction be liable to be punished by Fine or Imprisonment, or both, as the Court shall award ; such Imprisonment to be either with or without hard Labour as the Court shall see fit, and not to exceed the Term of Two Years ; and every Person who shall aid, abet, counsel or procure the Commission of any Misdemeanor punishable under this Act,

Abettors in Misdemeanors.

Act, shall be liable to be indicted and punished as a principal Offender.

‘ XXV. And for the more effectual Apprehension and Discovery of all Offenders punishable under this Act ;’ Be it enacted, That any Person found committing any Offence punishable under this Act, may be immediately apprehended without a Warrant by any Peace Officer, or by the Owner of the Property upon or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and forthwith taken before a Justice of the Peace, to be dealt with according to Law ; and if any credible Witness shall prove, upon Oath before a Justice of the Peace, a reasonable Cause to suspect that any Person has in his Possession or on his Premises any Property whatsoever, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods ; and any Person, to whom any Property shall be offered to be sold, pawned or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend and forthwith to carry before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

A Person in the Act of committing any Offence may be apprehended without a Warrant.

A Justice upon good grounds of Suspicion proved on Oath, may grant a Search Warrant.

Any Person to whom stolen Property is offered, may seize the Party offering it.

‘ XXVI. And for the Protection of Persons acting in the Execution of this Act ;’ Be it enacted, That all Actions and Prosecutions to be commenced against any Person for any Thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six calendar Months after the Fact committed and not otherwise ; and Notice in Writing of such Action, and of the Cause thereof, shall be given to

Provision for the Protection of Persons acting under this Act.

Venue.

Notice of Action.

General Issue,
&c.

the Defendant One calendar Month at least before the Commencement of the Action, and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereupon.

What Offences
are triable by
the Sessions of
the Peace.

Sessions, in Cases of Difficulty, may hand over the Indictment to the Supreme Court or Court of Oyer and Terminer,

XXVII. And be it enacted, That the Court of General Sessions of the Peace shall have Power to deal with, try and determine any Larceny, or any Accessories thereto, or any Offence of receiving stolen Goods, in which the Value of the Property on or with respect to which the Offence shall be committed shall not exceed the Sum of Five Pounds: Provided always, that the said Court of General Sessions of the Peace, in any Case of Difficulty in which a Party may be indicted before such Court for any Offence under this Act triable by such Court, whether it be a Felony or a Misdemeanor, either before or after the Party has pleaded, may cause the Indictment to be handed over

over by the Clerk of the Peace to the next Supreme Court, or Court of Oyer and Terminer held in the County, to be therein dealt with, tried and determined, and shall in such Case bind by Recognizance all Witnesses to appear before such Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, and give Evidence upon the Trial of such Indictment ; and if it be a Case of Misdemeanor, and the Party indicted can find good and sufficient Bail, shall also take Bail from such Party to appear in such Supreme Court, or Court of Oyer and Terminer and Gaol Delivery, and plead or take his Trial upon such Indictment, as the Case may be; and if it be a Case of Felony the said Court of General Sessions of the Peace may, if it so think fit, admit the Party indicted to Bail, upon his giving good and sufficient Bail in like Manner to appear and plead, or take his Trial upon such Indictment, as the Case may be, in such Supreme Court, or Court of Oyer and Terminer and Gaol Delivery.

And bind Witnesses, &c.,

And bail the Party.

XXVIII. And be it enacted, That any Person charged with any Larceny, or any Offence of receiving stolen Goods, wherein the Value of the Property stolen shall not exceed Forty Shillings, may be admitted to Bail by any Justice of the Peace before whom such Person may be so charged; and in case of any such Offender being committed to Prison and not giving sufficient Bail for his Appearance at the next General Sessions of the Peace for the County where the Offence may be triable, within Forty eight Hours after such Commitment, it shall and may be lawful for any Three Justices of the Peace of the County where the Offender may be committed, or, if in the City of Saint John, for the Mayor, Recorder and Aldermen, or any Three of them, (the Mayor and Recorder always being One), forthwith to hear and determine such Offence, and,

What Offences are triable in a summary Manner by Justices of the Peace.

What Punishments the Justices may award.

and, on Conviction either by Confession or on the Testimony of One or more credible Witness or Witnesses, the said Magistrates are hereby authorized and empowered to punish the Offender by Imprisonment, with or without hard Labour, as they in their Discretion may think fit, for any Term not exceeding Six Months, or else by Whipping, the said Whipping not to exceed Thirty nine Stripes.

CAP. XVI.

An Act for amending the Laws relative to malicious Injuries to Property.

Passed 25th March 1831.

Preamble.

‘**WHEREAS** it is expedient to make Provision by Law against certain malicious Injuries to Property, to take Effect at the same Time with an Act of the present Session of the General Assembly for improving the Administration of Justice in Criminal Cases ; which Act is to commence on the First Day of October in the present Year :’

Commencement of Act.

I. Be it therefore enacted by the President, Council, and Assembly, That this Act shall commence on the said First Day of October in the present Year, except as to Offences committed before or upon the last Day of September, which shall be dealt with and punished as if this Act had not been passed.

Setting Fire to a Church, Chapel, House, or certain Buildings.

II. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to any Church or Chapel, or to any Chapel or other Building set apart and solely used for the religious Worship of Persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set Fire to any House, Stable, Coach House, Out-House, Warehouse, Office, Shop, Mill, Barn or Granary, or to any Building

Building or Erection used in carrying on any Trade or Manufacture, or any Branch thereof, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

III. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to, or in anywise destroy any Ship or Vessel, whether the same be complete or in an unfinished State, or shall unlawfully and maliciously set Fire to, cast away, or in anywise destroy any Ship or Vessel, with Intent thereby to prejudice any Owner or Part Owner of such Ship or Vessel, or of any Goods on board the same, or any Person that hath underwritten or shall underwrite any Policy of Insurance upon such Ship or Vessel, or on the Freight thereof, or upon any Goods on board the same, every such Offender shall be guilty of Felony, and, being convicted thereof, shall suffer Death as a Felon.

Setting Fire to, or destroying a Ship.

IV. And be it enacted, That if any Person shall unlawfully and maliciously damage, otherwise than by Fire, any Ship or Vessel, whether complete or in an unfinished State, with Intent to destroy the same, or to render the same useless, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment prescribed for Felony in the said above recited Act of the present Session for improving the Administration of Justice in Criminal Cases.

Damaging a Ship otherwise than by Fire.

V. And be it enacted, That if any Person shall unlawfully and maliciously break down or cut down any Sea Bank or Sea Wall, or any Dike or Aboldeau, whereby any Lands shall be overflowed or damaged, or shall be in Danger

Destroying any Sea Bank &c., or any Mill Dam, or any public Bridge.

of

of being so, or shall unlawfully and maliciously cut down, break down, or otherwise destroy any Mill-Dam, or shall unlawfully and maliciously pull down, or in anywise destroy any public Bridge, or do any Injury with Intent and so as thereby to render such Bridge or any Part thereof dangerous or impassable, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment herein before last mentioned.

Setting Fire to any public School-house, or any Stack of Corn, Grain, Hay, &c.

VI. And be it enacted, That if any Person shall unlawfully and maliciously set Fire to any public School House, or any Stack of Corn, Grain, Pulse, Straw, or Hay, every such Offender shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment herein before last mentioned.

Malice against the Owner not essential to any Offence under this Act.

VII. And be it enacted, That every Punishment by this Act imposed on any Person maliciously committing any Offence, shall equally apply and be enforced whether the Offence shall be committed from Malice conceived against the Owner of the Property in respect of which it shall be committed, or otherwise.

Principals in the Second Degree and Accessories.

VIII. And be it enacted, That in every Case of Felony punishable under this Act, every Principal in the Second Degree, and every Accessory before the Fact, shall be punishable with Death or otherwise, in the same Manner as the Principal in the First Degree is by this Act punishable ; and every Accessory after the Fact to any Felony punishable under this Act shall, on Conviction, be liable to be punished by Fine or Imprisonment, or both, as the Court shall award ; such Imprisonment to be either with or without hard Labour as the Court shall see fit, and not to exceed the Term of Two Years.

Persons in the Act of committing any Offence may be apprehended without a Warrant.

XI. And for the more effectual Apprehension of all Offenders under this Act ; Be it enacted, That any Person found committing any Offence against

against this Act may be immediately apprehended without a Warrant by any Peace Officer, or the Owner of the Property injured, or his Servant or any Person authorized by him, and forthwith taken before a Justice of the Peace, to be dealt with according to Law.

X. And be it enacted, That all the Provisions contained in the Twenty sixth Section of an Act of the present Session for consolidating and amending the Laws relative to Larceny and other Offences connected therewith, for the Protection of Persons acting in Execution of that Act, shall apply to, and be in Force and available for the Protection of Persons acting in Execution of this Act, in the same Manner as if the said Provisions were expressly contained in this Act.

Provision for the Protection of Persons acting under this Act.

CAP. XVII.

An Act further to amend the Laws relative to Offences against the Person.

Passed 25th March 1831.

• **WHEREAS** an Act of Assembly of the Fifthieth Year of the Reign of King George the Third, relating to the destroying and murdering of Bastard Children, is repealed by an Act of the present Session for improving the Administration of Justice in Criminal Cases, which last mentioned Act is to commence on the First Day of October in the present Year ; and it is expedient to amend the Law relative to the Offence of concealing the Birth of Children by this Act, to take Effect at the same Time with the said Act for improving the Administration of Justice in Criminal Cases :

Preamble.

I. Be it therefore enacted by the President, Council, and Assembly, That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead Body

A Woman secreting the dead Body of her Child, to conceal the Fact of its Birth, guilty of Misdemeanor.

of

of the said Child, endeavour to conceal the Birth thereof, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years ; and it shall not be necessary to prove whether the Child died before, at or after its Birth: Provided always, that if any Woman tried for the Murder of her Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted, to find, in case it shall so appear in Evidence, that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead Body of such Child, endeavour to conceal the Birth thereof, and thereupon the Court may pass such Sentence as if she had been convicted upon an Indictment for the Concealment of the Birth.

Proviso.

‘ II. And Whereas it is expedient to amend ‘ the Law in certain Cases of Attempt to kill or ‘ do bodily Harm ;’ Be it therefore enacted, That the Seventh Section of an Act of Assembly made and passed in the Ninth and Tenth Years of the Reign of his late Majesty King George the Fourth, intituled *An Act to amend the Statute Law relative to Offences against the Person, and to provide for the more effectual Punishment of such Offences,** be and the same is hereby repealed. II.

9 and 10 Geo.
4. c. 21. s. 7.
repealed.

* The British Statutes declared to be repealed by this Act, are as follows :—

9 H. 3. c. 26.	5 H. 4. c. 6.
52 H. 3. c. 25.	2 H. 5. st. 1. c. 9.
3 Ed. 1. c. 11 & 13.	11 H. 6. c. 11.
4 Ed. 1. st. 3. c. 5.	3 H. 7. c. 2.
6 Ed. 1. c. 9.	3 H. 7. c. 14.
13 Ed. 1. st. 1. c. 29 and 34.	12 H. 7. c. 7.
9 Ed. 2. st. 1. c. 3.	24 H. 8. c. 5.
18 Ed. 3. st. 3. c. 2.	25 H. 8. c. 6.
25 Ed. 3. st. 5. Part of c. 2.	33 H. 8. c. 12. Part of s. 6. to
50 Ed. 3. c. 5.	38 H. 8. c. 23. [s. 18.
1 Rich. 2. c. 15.	1 Ed. 6. c. 12. s. 10, 13, 16 &
6 Rich. 2. st. 1. c. 6.	5 & 6 Ed. 6. c. 4. s. 3. [22.
5 H. 4. c. 5.	4 & 5 R. & M. c. 4.

III. And be it enacted, That if any Person unlawfully and maliciously shall administer or attempt to administer to any Person, or shall cause to be taken by any Person, any Poison, or other destructive Thing, or shall unlawfully and maliciously attempt to drown, suffocate or strangle any Person, or shall unlawfully and maliciously shoot at any Person, or shall by drawing a Trigger, or in any other Manner, attempt to discharge any Kind of loaded Arms at any Person, or shall unlawfully and maliciously stab, cut or wound any Person, with Intent in any of the Cases aforesaid to kill such Person, or to maim, disfigure or disable such Person, or to do some other grievous bodily Harm to such Person, or with Intent to resist or prevent the lawful Apprehension or Detainer of the Party so offending, or of any of his Accomplices, for any Offence for which he or they may respectively be liable by Law to be apprehended or detained, every such Offender, and every Person counselling, aiding or abetting such Offender, shall be guilty of Felony, and, being convicted thereof, shall be liable to the Punishment prescribed for Felony in the above recited Act of the present Session for improving the Administration of Justice in Criminal

Attempting to poison or drown, shooting at, stabbing, cutting or wounding any Person, with Intent to kill or maim, &c.

4 & 5 P. & M. c. 8.	25 G. 2. c. 37. except s. 9 & 10.
5 Eliz. c. 4. s. 21.	26 G. 2. c. 19. s. 11.
5 Eliz. c. 17.	30 G. 3. c. 48. (partially)
18 Eliz. c. 7.	33 G. 3. c. 67. s. 2.
39 Eliz. c. 9.	35 G. 3. c. 67.
1 J. 1. vulgo 2 J. 1. c. 8.	36 G. 3. c. 9. Part of s. 1 & 2.
1 J. 1. vulgo 2 J. 1. c. 11.	43 G. 3. c. 58.
22 & 23 Car. 2. c. 1.	43 G. 3. c. 113.
22 & 23 Car. 2. c. 11. s. 9.	54 G. 3. c. 101.
11 W. 3. vulgo 11 & 12 W. 3.	58 G. 3. c. 38. s. 1.
9 Ann. c. 14. s. 8. [c. 7. s. 18.]	1 G. 4. c. 90. s. 2.
9 Ann. c. 16.	1 G. 4. c. 115.
12 G. 1. c. 34. s. 6.	1 & 2 G. 4. c. 88. (partially)
2 G. 2. c. 21.	3 G. 4. c. 38.
11 G. 2. c. 22. Part of s. 1 & 2.	3 G. 4. c. 114. (partially)
22 G. 2. c. 27. Part of s. 12.	

Criminal Cases; and every Accessory after the Fact to any such Offence shall be liable to be punished in the Manner provided for Accessories after the Fact in the above recited Act of the Ninth and Tenth Years of the Reign of His late Majesty, for amending the Statute Law relative to Offences against the Person.

Commencement
of this Act.

IV. And be it enacted, That this Act shall commence and take Effect on the First Day of October in the present Year, except as to Offences committed before or upon the last Day of September, which shall be dealt with and punished as if this Act had not been passed.

CAP. XVIII.

An Act to provide for setting and keeping to hard Labour Persons adjudged to that Punishment.

Passed 25th March 1831.

‘ **WHEREAS** it is expedient to make Provi-
‘ sion for setting and keeping to hard Labour
‘ Persons who may be adjudged to that Punish-
‘ ment :’

Justices in Ses-
sions to make
Regulations for
keeping to hard
Labour Persons
adjudged to that
Punishment.

I. Be it therefore enacted by the President, Council, and Assembly, That the Justices of the Peace in the several Counties in this Province, at their General Sessions, or at any Special Sessions to be for that purpose expressly convened and holden, shall be and they are hereby required and empowered to make Orders, Rules and Regulations for setting and keeping to hard Labour all Persons who may be adjudged to hard Labour for any Offence, by any Court, or Justice or Justices of the Peace, having competent Jurisdiction therefor, and for securing, governing and managing such Persons while employed at such hard Labour ; and in all such Cases the Work shall be of such Kind as the said Justices shall prescribe, and may be performed at any Place with-
in

in the County which the Justices may direct, as well without as within the Prison or House of Correction in which the Offender may be imprisoned; and the said Justices at such Sessions as aforesaid may from Time to Time appoint One or more fit Person or Persons to superintend and oversee all such Offenders so set to hard Labour, and may remove such Persons so appointed, and appoint others in their Stead; and may also revoke, alter and amend any such Orders, Rules and Regulations as Occasion may require: Provided always, that in Cases where it may be thought expedient that Offenders should be set to hard Labour within the Common Gaol of the County, the Concurrence of the Sheriff of the County shall be previously had to the Orders, Rules and Regulations of the Justices, and the Appointment of any such Overseer.

Overseers to be appointed.

Regulations &c., may be revoked or amended. Proviso.

II. And be it enacted, That the Proceeds arising from the Work and Labour of all Offenders so adjudged to hard Labour, shall be applied by the said Justices at such Sessions as aforesaid, in the First Place to the Support and Clothing of such Offenders, and the Overplus (if any) shall be paid to the County Treasurer for the Use of the County.

Application of the Proceeds arising from the Labour.

III. And be it enacted, That if any Person so adjudged and set to hard Labour as aforesaid shall refuse to perform any Labour lawfully required of him, or shall be guilty of any Misbehaviour or disorderly Conduct, such Justices of the Peace, at any such General or Special Sessions as aforesaid, shall be and they are hereby authorized and empowered for any such Refusal or Misbehaviour, or disorderly Conduct, to order such Offender to be whipped, such Whipping not to exceed Thirty nine Stripes.

Punishment of Persons refusing to work, or guilty of any Misbehaviour.

IV. And be it enacted, That this Act shall commence and take Effect on the First Day of October in the present Year.

Commencement of this Act.

CAP.

CAP. XIX.

An Act to erect Two new Parishes in the County of Gloucester.

Passed 25th March 1831.

Preamble.

‘ **WHEREAS** the Parish of Saumarez, in the County of Gloucester, is so extensive and populous as to render the Performance of the Duties of the Parish Officers inconvenient and burthensome :’

Parish of Saumarez divided into Three Parishes.

I. Be it therefore enacted by the President, Council, and Assembly, That the said Parish of Saumarez shall be and the same is hereby divided into Three Parishes ; which Parishes shall be and hereby are named and bounded in the Manner herein after mentioned and described ; any Law to the contrary thereof in any wise notwithstanding :

Parish of New Bandon erected.

The Northwesterly Part of the said Parish of Saumarez to be called, known and distinguished by the Name of the *Parish of New Bandon*, and to be abutted and bounded as follows : Westerly by the Eastern Boundary Line of the Parish of Bathurst ; Northerly and Easterly by the Bay de Chaleur, until it comes to the Mouth of the South Branch of Carraquet River ; thence to run Westerly, by the several Courses of the said South Branch of Carraquet River, until it comes to the Second Forks : thence to run Southwest, until it strikes the said Eastern Line of the said Parish of Bathurst ; thence Northerly, along the said Line to its Termination at the said Bay de Chaleur, and including the Islands in Front.

Parish of Carraquet erected.

The next Parish to be called, known and distinguished by the Name of the *Parish of Carraquet*, and to be abutted and bounded as follows : Northerly by the said Parish of New Bandon, and by the Sea Coast ; Easterly and Southeast-erly, by the Gulph of Saint Lawrence until it comes to the Eastern Angle of Lot Number One granted

granted to William Ferguson ; thence by a Line to run, by the Magnet, North Thirty six Degrees West, Three hundred Chains ; thence by a Line running to the Second Forks of the Carraquet River aforesaid, including all the Islands situated in Front.

The next Parish to be called, known, and distinguished by the Name of the *Parish of Saumarez*, and to be abutted and bounded as follows : Northerly by the said Parishes of Carraquet and New Bandon ; Easterly by the Sea Coast ; Southerly by the County of Northumberland ; and Westerly by the Parish of Bathurst, and to include the Islands situate in Front.

Boundaries of the Parish of Saumarez.

II. And be it further enacted, That the Justices of the Peace for the said County shall and they are hereby empowered, at their First General Sessions of the Peace held annually, to appoint Town or Parish Officers for the said new Parishes of New Bandon and Carraquet, in like Manner as for other Towns or Parishes in the said County ; and, until the next January Sessions, the Officers lately appointed for the Town or Parish of Saumarez, shall continue to perform the Duties of their respective Offices, in and throughout the said Parishes, as if this Act had not been made.

Parish Officers to be annually appointed.

CAP. XX.

An Act to empower the Chancellor, President and Scholars of King's College to assign a certain Mortgage and mortgaged Premises therein mentioned.

Passed 25th March 1831.

‘ **WHEREAS** by a certain Indenture of Preamble.
 ‘ Mortgage bearing Date the Eleventh Day of
 ‘ March in the Year of our Lord One thousand
 ‘ eight hundred and eleven, and made between
 ‘ Henry Smith, of Fredericton in the County of
 ‘ York and Province of New-Brunswick, Esquire,
 of

' of the One Part, and the Governor and Trus-
 ' tees of the College of New-Brunswick of the
 ' other Part, it was witnessed that for valuable
 ' Consideration, therein mentioned, the said Hen-
 ' ry Main had granted, bargained and sold unto
 ' the said Governor and Trustees of the said
 ' College, and their Successors, a certain Piece
 ' or Parcel of Land situate, lying, and being in the
 ' Parish of Fredericton in the County of York
 ' aforesaid, and abutted and bounded as follows,
 ' to wit: Beginning at the Northeasterly Corner
 ' of Lands granted to Daniel Bass, on the Bank
 ' at the Westerly Side of the Strip of Intervale be-
 ' low the Town Plat of Fredericton, thence run-
 ' ning along the said Bass's Land South Seventy
 ' six Degrees West, by the Magnet, Four Chains
 ' (of four Poles each) and Fifty Links, or until it
 ' meets the Road leading from the Town of Fre-
 ' dericton, thence along the said Road, following
 ' the several Courses thereof, Northwesterly and
 ' Southeasterly, until it comes to the First Creek
 ' or Gully below the said Town of Fredericton,
 ' thence along the said Creek or Gully until it
 ' comes to the Bank at the Westerly Side of the
 ' Intervale aforesaid, and thence along the said
 ' Bank Southwardly to the Place of beginning;
 ' containing in the Whole, by Estimation, Ten
 ' Acres, more or less ; also Four Lots of Land
 ' situate, lying and being in Block Number Five
 ' in the Town Plat of Fredericton, and known
 ' and distinguished in the said Block as Lots
 ' Numbers Seventy three, Seventy four, Seventy
 ' five and Seventy six ; and also two Lots of
 ' Land situate, lying and being in Block Number
 ' Six in the Town Plat of Fredericton aforesaid,
 ' and known and distinguished in the said Block
 ' as Lots Numbers Eighty one, and Eighty three ;
 ' together with all Houses, Out Houses, Build-
 ' ings and Improvements on the said Piece, Par-
 ' cel and Lots of Land, and the Reversion
 and

‘ and Reversions, Remainder and Remainders,
 ‘ Rents, Issues and Profits of the same, with
 ‘ the Appurtenances ; to hold the same and
 ‘ every Part thereof unto the said Governor and
 ‘ Trustees of the College of New-Brunswick a-
 ‘ foresaid and their Successors forever, subject
 ‘ to a Proviso or Condition of Redemption in
 ‘ the said Indenture of Mortgage reserved and
 ‘ contained: And Whereas by the Operation of
 ‘ an Act of the General Assembly of this Pro-
 ‘ vince, made and passed in the Ninth and Tenth
 ‘ Years of the reign of His late Majesty King
 ‘ George the Fourth, intituled *An Act for the*
 ‘ *Endowment of King’s College at Fredericton*
 ‘ *in the Province of New-Brunswick, and also*
 ‘ *to make new Provisions for the Establishment*
 ‘ *and Support of Grammar Schools throughout*
 ‘ *the Province, all the Estate, Right, Title, and*
 ‘ interest, of, in and to the said in Part recited
 ‘ Mortgage and mortgaged Premises, became
 ‘ and is fully vested in the said Chancellor, Pre-
 ‘ sident and Scholars of King’s College afore-
 ‘ said: And Whereas Charles S. Putnam and
 ‘ Henry George Clopper, of Fredericton, Es-
 ‘ quires, have fully paid up and satisfied all Prin-
 ‘ cipal and Interest due upon the said Mortgage,
 ‘ and the said Chancellor, President, and Scho-
 ‘ lars have agreed to assign and transfer unto
 ‘ the said Charles S. Putnam and Henry George
 ‘ Clopper, their Heirs and Assigns, all the Es-
 ‘ tate, Right, Title and Interest of them the said
 ‘ Chancellor, President and Scholars, of, in and
 ‘ to the said Mortgage and mortgaged Pre-
 ‘ mises :’

I. Be it therefore enacted by the President,
 Council, and Assembly, That the said Chancel-
 lor, President, and Scholars of King’s College,
 New-Brunswick, be and they are hereby fully
 authorized and empowered to grant, bargain, sell,
 assign, transfer and set over unto the said

The Corpora-
 tion empowered
 to assign the
 recited Mort-
 gage and Premi-
 ses, subject to
 the Condition of
 Redemption.

Charles

Charles S. Putnam and Henry George Clopper, their several and respective Heirs, Executors, Administrators and Assigns, all the Estate, Right, Title, and Interest of them; the said Chancellor, President and Scholars, of, in and to the said in Part recited Indenture of Mortgage, and of, in and to all and singular the Lands, Tenements and Hereditaments therein conveyed, or meant, mentioned or intended so to be, to hold the same and every Part thereof unto the said Charles S. Putnam and Henry George Clopper, their several and respective Heirs, Executors, Administrators and Assigns forever, in as full, ample and beneficial a Manner, to all Intents and Purposes, as the said Chancellor, President and Scholars now hold or heretofore have held and enjoyed the same; subject however to the Proviso or Condition of Redemption in the said Indenture reserved and contained.

CAP. XXI.

An Act to authorize the Justices of the Peace in the County of Northumberland to levy an Assessment upon the Inhabitants of the said County to discharge the Debts due from the said County.

Passed 25th March 1831.

WHEREAS the Justices of the Peace for the County of Northumberland, have heretofore levied the whole Sum which they were empowered to raise by Assessment: And Whereas the same has been insufficient to discharge the Debts due from the said County:

1. Be it therefore enacted by the President, Council, and Assembly, That the said Justices of the Peace for the said County of Northumberland, at any General Sessions of the Peace hereafter to be holden, be and they are hereby authorized and empowered to make such further Rate and

Justices in General Sessions may make an Assessment not exceed. by £600.

and Assessment of any Sum not exceeding Six hundred Pounds, as they in their Discretion may think necessary, for the Purpose of discharging the Debts due from the said County of Northumberland ; the same to be assessed, collected and paid agreeably to any Acts in Force for the assessing, collecting and levying of County Rates.

CAP. XXII.

An Act relative to Trespasses by Horses and Swine in the Parish of Fredericton and the Town of Saint Andrews.

Passed 25th March 1831.

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 the upper Boundary Line thereof and the Creek or Gully to the Southward of the late Archdeacon Best'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 Commissioners of the Alms House or Poor House of the said Parishes respectively, and One Half to the Informer, to be recovered, together with Costs of Prosecution, 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 Hog Reeve or Hog Reeves of the said Parishes to impound such Horse, Horses or Swine as shall be found so going at large ; and

Penalty for Horses or Swine going at large within certain Parts of Fredericton or Saint Andrews.

Application:

Mode of Recovery.

When the Owner is not known, the Horses or Swine to be impounded and advertised.

it shall be the Duty of the Pound Keeper or Pound Keepers of the said Parishes of Fredericton and Saint Andrews respectively, upon any Horse, Horses or Swine being so impounded, to advertise the same in Three public Places in the said Parishes respectively; and in case the Owner or Owners of such Horse, Horses or Swine shall not, within Six Days after such Advertisement 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 Keeper to sell such Horse, Horses or Swine at Public Auction, and apply the Money arising therefrom towards paying the said Fine and Charges, and to pay the Overplus, if any, to the Owner or Owners of such Horse, Horses or Swine, whenever such Owner or Owners shall appear and demand the same; and in case such Owner or Owners shall not appear and demand the same within Six Months after such Horse, Horses or Swine shall have been so impounded, then the said Overplus shall be paid to the said Commissioners of the Alms House or Poor House for the Use of the Poor of the said Parishes of Fredericton and Saint Andrews respectively: Provided always, that if it shall be made appear to the Satisfaction of the Justice before whom Complaint shall be made, that any such Horse, Horses or Swine were so going at large by Accident, and contrary to the Will of the Owner or Owners thereof, and not by any Neglect on the Part of such Owner or Owners, that then and in such Case it shall and may be lawful for such Justice to discharge the Complaint upon Payment by such Owner or Owners of the Costs which may have been incurred, or, in case such Horse, Horses or Swine shall have been impounded, to order the Pound Keeper to discharge the same upon Payment of the Expenses of keeping the same. CAP.

After Advertisement, the Horses or Swine to be sold at Public Auction.

Application of the Proceeds of the Sale.

Power of Justices when the Horses or Swine may have been at large by Accident.

CAP. XXIII.

An Act to repeal an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled *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*; and to make other and more effectual Enactments in lieu thereof.

Passed 25th March 1831.

WHEREAS it is expedient to repeal the Law declaring the Qualifications of Church Wardens and Vestrymen in the several Parishes in this Province, and of the Persons having Voices in their Election, and to make other Enactments in lieu thereof:

I. Be it enacted by the President, Council, and Assembly, That an Act made and passed in the Fiftieth Year of the Reign of King George the Third, intituled *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*, be and the same is hereby repealed.

50 Geo. 3. c. 27.
repealed.

II. And be it further enacted, That the Inhabitants of the several and respective Parishes in this Province who shall be Owners or Proprietors of Pews in the Church of the Parish wherein they shall or may be resident, or in some Chapel of Ease thereto belonging, shall and may be qualified and capable to be elected and appointed, and to have and hold the Offices or Places of Church Wardens and of Vestrymen; and all Pew-holders, whether resident or not, to have Voices and Votes in the Election of all such Church Wardens and Vestrymen, in the several Parishes as aforesaid; and that no other Person or Persons whatsoever 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

Owners of Pews in the Church of the Parish where they reside, or in Chapel of Ease, may be Church Wardens and Vestrymen.

All Pew-holders to have Voices in their Election.

Possession or
Ownership of a
Pew to entitle
only One Person
to a Vote.

contrary notwithstanding: Provided always, that the Possession or Ownership of a Pew in any Church, shall not entitle more than One Person to a Vote at any Election of Church Wardens and Vestrymen.

CAP. XXIV.

An Act to regulate Inns, Taverns, and Houses for selling strong or spirituous Liquors, and to repeal all the Laws now in Force relating to the same.

Passed 31st March 1831.

‘ **WHEREAS** the several Acts now in Force for the Regulation and licensing of Inns, Taverns, and Houses for selling strong or spirituous Liquors, are defective in some of their Provisions, and intricate by reason of their Number and the Inconvenience of Reference to them: And Whereas it is expedient to embody in One Act all necessary Provisions for the due Regulation of the same :’

I. Be it therefore enacted by the President, Council, and Assembly, That an Act made and passed in the Twenty sixth Year of the Reign of King George the Third, intituled *An Act for regulating Innholders, Tavernkeepers and Retailers of spirituous Liquors*; and another Act made and passed in the Twenty seventh Year of the same Reign, intituled *An Act to empower the Justices of the General Sessions of the Peace, in the several Counties in this Province, to grant Licences to Tavernkeepers and Retailers of spirituous Liquors*; also another Act made and passed in the Thirty fourth Year of the same Reign, intituled *An Act to alter and amend an Act, intituled An Act for regulating Innholders, Tavernkeepers and Retailers of spirituous Liquors*; and also another Act made and passed in the Fifty fourth Year of the same Reign, intituled *An Act for the better Regulation of Licen-*
ces

26 Geo. 3. c. 36.

27 Geo. 3. c. 6.

34 Geo. 3. c. 5.

54 Geo. 3. c. 6.

ces to Inns, Taverns, and Houses for selling strong Liquors by Retail ; and also another Act made and passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to alter and amend the Acts relating to the granting of Licences to Tavernkeepers, and Retailers of spirituous Liquors*, be and the said several Acts are hereby repealed from and after the last Day of June ; and that this Act shall commence and take Effect on the First Day of July in the present Year : Provided always, that all Licences granted under the aforesaid Acts, or any of them, shall continue and be of the same Force and Effect as if the said Acts had not been repealed ; and all Rules and Regulations made under the aforesaid Acts, or any of them, for the due ordering of Inns and Taverns, shall also remain in Force until new Rules and Regulations shall be made under the Provisions of this Act.

6 Geo. 4. c. 13.

repealed.

Commencement of this Act.

Licences and Regulations made under the repealed Acts to continue until others are made under this.

II. And be it further enacted, That 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 no Licence shall be made or given for a longer Period than One Year.

No Tavern Licence to be granted but at the General Sessions, or to be in Force longer than One Year.

III. And be it further enacted, That no Tavernkeeper, Innkeeper or Retailer, shall sell any Wine, strong Beer, Ale, Brandy, Rum or other spirituous Liquors, mixed or unmixed; to any Person whatsoever, on the Lord's Day commonly called ' Sunday, ' under the Penalty of a Sum not exceeding Five Pounds nor less than Twenty Shillings for each and every Offence, to be recovered, levied and applied as is hereinafter provided and directed in and by the Seventh Section of this Act.

Selling Liquor on Sunday.

Penalty.

IV. And be it further enacted, That the Justices of the Peace for the several and respective Counties,

Justices in General Sessions to grant Tavern Licences.

Charge for Tavern Licences.

Application.

Fee to the Clerk.

Tavern Licences to include Retail Licences.

Justices in Sessions to grant Retail-Licences.

Counties, at any General Sessions of the Peace as aforesaid, are hereby authorized and empowered to give and grant Licences to such and so many Persons as they in their Discretion shall think fit, being of good Fame and Character, to license each and every of them to keep a Tavern or Inn; and it shall and may be lawful for the said Justices, or the Major Part of them then and there assembled, to ask, demand and receive, for every such Licence by them given and granted, such Sum as they in their Discretion shall think fit, not exceeding Ten Pounds nor less than Twenty Shillings for each Licence for One Year; which Sums so to be received shall forthwith be paid by the Clerks of the Peace for 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 General Sessions direct; such Clerks retaining for their Trouble Two Shillings and Sixpence for each Licence, and no more; and all Persons so licensed to keep an Inn or Tavern as aforesaid shall have included in such Licence a Licence to sell by Retail any strong Liquor whatsoever, without a separate Licence so to sell by Retail.

V. And be it further enacted, That the said Justices of the Peace for the several and respective Counties at any General Sessions of the Peace, or at any Special Sessions to be for that Purpose holden, are hereby authorized and empowered to give and grant Licences to such and so many Persons as they in their Discretion shall think fit, being of good Fame and Character, to license each and every of them to sell Wine, Brandy, Rum, Beer, Ale or strong Liquors of any Kind whatsoever within their respective Counties, by Retail or small Measure, in any Quantity under Five Gallons and not less than One

One Pint ; and it shall and may be lawful for such Justices then and there assembled to ask, demand and receive, for each and every Retail Licence so granted, such Sum as they in their Discretion may think fit, not exceeding Seven Pounds and Ten Shillings nor less than Two Pounds for each Licence for One Year, together with a Fee of Two Shillings and Sixpence to the Clerk ; which Sums so received shall be paid and applied in the same Manner, and for the like Purposes, as Sums received for Tavern Licences are in and by the next preceding Section of this Act directed to be paid and applied.

Charge for Retail Licences.

Application.

VI. And be it further enacted, That every Person licensed as aforesaid to keep an Inn or Tavern, shall at the Time of taking such Licence enter into Recognizance with Two good and sufficient Sureties (not being Tavernkeepers) to His Majesty, in the Sum of Forty Pounds, to keep an orderly House, and obey such Rules and Regulations as the 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 Tavernkeepers or Innkeepers in such County ; which Rules and Regulations, the said Justices in their General Sessions as aforesaid, are hereby authorized and empowered to make.

Tavernkeepers to enter into Recognizance.

Sessions authorized to make Regulations for Tavernkeepers.

VII. And be it further enacted, That if any Person whatsoever shall sell any Wine, Brandy, Rum, Beer, Ale or any strong Liquor whatsoever, to any Person or Persons whatsoever, in any Quantity under Five Gallons, without Licence first had and obtained for that Purpose as aforesaid, and if an Innkeeper or Tavernkeeper without first entering into Recognizance as aforesaid, or if any Retailer after having obtained Licence to retail as aforesaid shall sell any such Liquor in any Quantity less than One Pint, every Person so offending shall for each and every Offence

Selling Liquors without being properly authorized.

fence

Penalty.

Recovery.

fence, forfeit and pay a Sum not exceeding Five Pounds, to be recovered upon Complaint being 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 and Chattels under the Hand and Seal of such Justice, directed to any Constable of the Town or Parish where such Offence shall be committed, rendering the Overplus, if any, after deducting the Costs and Charges of such Distress and Sale, to the Offender; and if no Goods shall be found whereon to levy such Distress, it shall and may be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the common Gaol of the County where such Offence shall be committed, there to remain, without Bail or Mainprize, for such Time, not exceeding Twenty Days, as such Justice in his Discretion shall 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 for the Town or Parish where such Offence shall be committed, for the Use of the Poor thereof, and the other Half to the Person who shall make Complaint, and sue for the same.

Application.

Licences for
Residue of the
Term of First
Licence may
be granted in
Cases of Death
or Removal.

VIII. And be it further enacted, That if any Person licensed as aforesaid shall die or remove from a Tavern, Inn or other House for selling such Liquor by Retail as aforesaid, it shall and may be lawful for the Justices aforesaid, at any General or at any Special Sessions of the Peace, to grant to the Person succeeding to such Tavern, Inn or other House for selling Liquors by Retail, a Licence to keep on and continue the said Tavern, Inn or other House as aforesaid during the Residue of the Term of the Licence granted

granted to the Person so dying or removing, on Condition that the Person so succeeding shall, if to keep an Inn or Tavern, enter into Recognizance, with Two good and sufficient Sureties, for keeping an orderly House, and obeying the Orders and Regulations of the Justices of the Peace in their General Sessions as in the Case of the Person First obtaining Licence for such Tavern, Inn or House; and that no Licence granted by virtue of this Act shall entitle any Person to keep a Tavern or Inn, or to sell any strong or spirituous Liquors by Retail, in any other House or Place than that in which they were First kept and sold by virtue of such Licence, which shall be null and void with regard to any other Place.

Liquor to be sold in One Place only under the same Licence.

IX. And be it further enacted, That no Innkeeper or Tavernkeeper who shall sell upon Trust or Credit any Wine, Brandy, Rum, strong Beer, Ale or any other strong or spirituous Liquors whatever, mixed or unmixed, to any Soldier, Sailor, Servant or other Person whatsoever or whomsoever, to the Amount of any Sum exceeding 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; and no Retailer, not being a Tavernkeeper or Innkeeper, who shall sell any such Liquors as aforesaid upon Credit, to the Amount of any Sum exceeding Five Shillings, to any Soldier, Sailor or Servant, shall have any Remedy, either at Law or in Equity, to recover the same against any such Soldier, Sailor or Servant, their Executors or Administrators: Provided always, that nothing herein contained shall extend, or be construed to extend, to debar any Retailer, Innkeeper or Tavernkeeper from furnishing any Traveller or Boarder in his Family, of good Fame or Report, with necessary Refreshment on Credit.

Tavernkeepers selling Liquor upon Trust not to recover more than Five Shillings;

Retailers not to recover more than Five Shillings against Soldiers, Sailors or Servants.

Exception.

Pledges to se-
cure Debts con-
tracted by Sol-
diers, &c. to be
restored and the
Offender to be
fined.

X. 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, Apprentice or bound Servant, or other Person, or the Master or Mistress of such Servant, Apprentice or bound Servant, may complain to any Justice of the Peace where such Retailer, Tavernkeeper or Innkeeper receiving such Pawn or Pledge usually resides, that such Pledge or Pawn is detained from him or her by such Retailer, Tavernkeeper or Innkeeper, and having made Proof thereof by the Oath of One or more credible Witness or Witnesses, such Justice of the Peace is hereby required, by Warrant under his Hand and Seal, to compel such Retailer, Tavernkeeper or Innkeeper, 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, to be recovered in the same Manner as other Fines and Penalties may be recovered in and by the Seventh Section of this Act, and paid and applied in like Manner for the Use of the Poor of the Town or Parish where such Fine shall be imposed.

Penalty.

Persons permit-
ting Apprenti-
ces, Servants or
Minors to re-
main drinking in
their Houses.

XI. And be it further enacted, That no Retailer, Tavernkeeper, Innkeeper, or other Person whatsoever, shall permit or suffer any Apprentice, Servant or Minor, to sit or remain drinking in his or her House, nor give or sell, nor suffer to be given or sold, to such Apprentice, Servant or Minor, any strong Liquor whatever, without the Order or Allowance of their respective Masters or Mistresses, Parents or Guardians, on pain of forfeiting a Sum not exceeding Five Pounds for each and every such Offence, together

Penalty.

er 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 by the View of such Justice, or by such other Proof as shall be satisfactory to 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 such Justice; and for Want of sufficient Distress, such Justice shall and may commit such Offender to the common Gaol of the County, there to remain for a Term not exceeding Twenty Days, or until he shall have paid and satisfied the same, together with the Costs of Conviction, and such Distress and Sale; and such Sums so levied shall be paid to the Overseers of the Poor for the Town or Parish where the Offence shall have been committed, to be by them applied to the Use of the Poor thereof.

Recovery.

Application.

XII. And be it further enacted, That no Retailer shall upon any Pretence whatever sell any strong or spirituous Liquors to any Person or Persons whomsoever, to be by him or them, or any other Person or Persons whomsoever, used or consumed in the House or licensed Premises of such Retailer, under the Penalty of Five Pounds for each and every Offence, to be recovered upon due Conviction upon the Oath of One or more credible Witness or Witnesses before any One of His Majesty's Justices of the Peace, or, if in the City of Saint John, before the Mayor, Recorder or any Justice of the Peace for the City and County of Saint John, and levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, and paid and applied in the same Manner as Penalties are in and by the Seventh Section of this Act.

Retailers selling Liquors to be used on their licensed Premises.

Penalty.

Application.

XIII. And Whereas by the Charter of the City of Saint John, confirmed by Act of Assembly,

' ssembly, it is among other Things provided that
 ' the Mayor of the said City for the Time being,
 ' and no other whatsoever, shall have Power to
 ' give and grant Licences under the Common
 ' Seal of the said City to all such Persons as he
 ' shall think fit, to license them or every of them
 ' to keep a Tavern, an Inn, an Ordinary, a Vic-
 ' tualling or a Coffee House, or to sell Wine,
 ' Brandy, Rum, strong Waters, Punch, Beer,
 ' Ale, or any exciseable or strong Liquors what-
 ' soever, within the City of Saint John, or the
 ' Liberties or Precincts thereof, by Retail or the
 ' small Measure under the Quantity of Five Gal-
 ' lons; and that it shall and may be lawful to and
 ' for the Mayor of the said City for the Time be-
 ' ing to ask, demand, and receive, for every such
 ' Licence by him to be granted as aforesaid, such
 ' Sum or Sums of Money as he and the Person
 ' to whom such Licence shall be given and
 ' granted shall agree for, not exceeding the Sum
 ' of Four Pounds for each Licence; all which
 ' Monies as by the said Mayor shall be so re-
 ' ceived, shall be used and applied to the public
 ' Use of the Mayor, Aldermen and Commonalty
 ' of the said City of Saint John: Be it further
 enacted, That it shall and may be lawful to and
 for the Mayor of the said City for the Time be-
 ing to ask, demand and receive, for every such
 Licence by him to be given and granted as aforesaid, any such Sum or Sums of Money as he and
 the Person to whom such Licence shall be given
 and granted shall agree for in Manner and Form
 aforesaid, not exceeding the Sum of Ten Pounds
 for such Licence, to be applied for the public
 Use of the Mayor, Aldermen and Commonalty
 of the said City of Saint John: Provided always,
 that nothing in this Act contained shall apply, or
 be construed to apply, in any Manner to affect
 the Rights and Powers given by the said Char-
 ter to the Mayor of the said City, in granting
 Licences

Mayor of Saint
 John may
 charge for each
 Licence a Sum
 not exceeding
 £10.

Application.

Proviso as to
 Charter Rights.

Licences to Tavernkeepers and Retailers of spirituous Liquors, otherwise than in this Section is expressly mentioned and contained: Provided also, that all the Penalties, Forfeitures, Pains and Imprisonments to which Innkeepers and Retailers are liable for any Offences against the Provisions of this Act, shall extend and apply to all and every Innkeeper, Tavernkeeper, Retailer, Keeper of an Ordinary, Coffee House or Victualing House in the City of Saint John, as fully, to all Intents and Purposes, as the same extend and apply to Innkeepers, Tavernkeepers or Retailers in any other Part of this Province; any Thing in this Act contained to the contrary in any way notwithstanding.

XIV. 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 Court shall at the same Time cause a List of all the Tavernkeepers, Innkeepers and Retailers respectively in the respective Counties to whom Licence has been granted as aforesaid, to be delivered to the Grand Jurors at such Courts respectively; and it shall be particularly given in Charge to such Grand Jurors to make diligent Inquiry and Presentment of all and every such Person and Persons as shall be guilty of any Breach of, or Offence against this Act, and also of any Breach of, or Offence against the same by any Person or Persons not licensed as aforesaid; and upon such Presentment, it shall and may be lawful for the Justices of such Court, or any One of them, to proceed against such Offenders, in the Manner herein before directed to One Justice to proceed for the Recovery of the Penalties herein before inflicted; and upon Conviction of such Offender before the Justices of such Court, or any One of them, such Penalty and Penalties shall, upon the

All Penalties &c. in this Act to apply to Tavernkeepers, &c. in Saint John.

This Act to be read at the Opening of the General Sessions, and Lists of licensed Persons delivered to the Grand Jury.

Charge to be given to present Offenders.

Justices to proceed on Presentment to recover the Penalties.

Penalties to be the

paid into the
County Treasu-
ry.

the Recovery thereof, be paid to the respective County Treasurers, to be applied for the same Uses and Purposes, and under the same Orders and Directions, as the Sums paid for Licences are herein before directed to be applied and subject to.

CAP. XXV.

7. Geo. 4. c. 22. A Bill to continue and amend an Act, intituled *An Act for regulating the Salmon and Shad Fisheries so far as the same may relate to the River Petticodiac in the County of Westmorland.*

Passed 31st March 1831.

Preamble.

WHEREAS it is expedient and necessary that Overseers should be appointed to carry in-
' to Effect the Provisions of the said recited Act:'

Overseers of the
Fisheries to be
appointed.

I. Be it therefore enacted by the President, Council, and Assembly, That the Justices of the Peace for the County of Westmorland, at any General Sessions of the Peace held in and for the said County, shall and may appoint One or more fit Person or Persons as Overseer or Overseers of the Fisheries in the said River Petticodiac and its Branches, whose Duty it shall be to carry into Effect, as far as may be, the several Provisions of the said recited Act, and to inquire into and prosecute all Offences against the same; which said Overseer or Overseers shall be sworn to the faithful Discharge of their Duty, and be in all Respects subject to the same Rules, Regulations, Penalties and Forfeitures as any other Town or Parish Officers are subject to by virtue of any Acts now in Force in this Province.

Their duty.

To be sworn and
liable as other
Parish Officers.

7. Geo. 4. c. 22.

Limitation.

II. And be it further enacted, That the said recited Act, and also this Act in Amendment thereof, shall continue and be in full Force until the First Day of April in the Year of our Lord One thousand eight hundred and forty one.

CAP.

CAP. XXVI.

An Act to regulate Assessments in this Province.

Passed 31st March 1831.

WHEREAS by the Laws now in Force for
 the Assessment of Rates for public Charges
 and Expenses the Assessors in the several
 Towns or Parishes are authorized and empow-
 ered to apportion the Sums to be levied upon
 the said Towns or Parishes respectively, among
 the Inhabitants thereof, in such Manner as they
 in their Discretion shall think just and reason-
 able: And Whereas the Exercise of such Dis-
 cretion has been productive of great Dissimila-
 rity in the Mode of apportioning and assessing
 the Rates throughout the Province, and has al-
 so created Dissatisfaction in many Instances,
 on account of the Irregularity in the Apportion-
 ment of such Rates among the Inhabitants of
 the several Towns or Parishes:’

I. Be it therefore enacted by the President,
 Council and Assembly, That from and after the
 passing of this Act all Sums of Money to be as-
 sessed and raised for any County or Town or
 Parish Charges and Expenses, under or by vir-
 tue of any Act or Acts of the General Assembly
 for that Purpose made or to be made, shall be
 assessed, levied and raised in Manner following;
 that is to say, One Eighth Part of every such
 Sum, together with the Expenses of assessing
 and collecting the same, shall be apportioned by
 the Assessors among the male Inhabitants of the
 Town or Parish (not being Paupers) of the Age
 of Twenty one Years and upwards, by an equal
 Rate upon the Poll of every such Inhabitant;
 and the remaining Seven Eighth Parts of such
 Sum, and of the Expenses as aforesaid, shall be
 assessed upon the visible Property, whether real
 or personal, within such Town or Parish, and
 upon

Preamble.

One Eighth Part
 of Assessments to
 be raised by an
 equal Rate on
 the Inhabitants;

Seven Eighths,
 on their visible
 Property and
 Incomes.

upon Incomes arising from any Office, Profession, Trade or Occupation of any Inhabitant within such Town or Parish, or of any Salary or Income payable out of Funds in this Province which such Inhabitant may be in Receipt of.

‘ II. And in order more effectually and equally to apportion the remaining Seven Eighth Parts of every such Sum so to be assessed and raised, with the Expenses as aforesaid, as nearly as may be according to the Value of such Property and the Amount of such Incomes ;’

Mode of assessing Property and Incomes.

Be it further enacted, That all Lands whether improved or unimproved, and all Stocks on Farms, and Stocks of Goods, Wares and Merchandizes of any Merchant or Trader, and all Ships and Vessels, shall be valued at the Discretion of the Assessors, or the Major Part of them, according to the real Value of the same at the Time of making such Assessment ; and that in valuing any Lands, all Buildings, Mills, Edifices and Improvements whatsoever which may enhance the Value thereof shall be taken into Consideration, and upon the Amount of the estimated Value of all such Property, the Assessors shall charge at the Rate of Twenty Pounds upon every Hundred Pounds of the same ; and that the annual Income or clear Profit which may arise from any Profession, Trade or Occupation, or otherwise as aforesaid, (farming and merchandizing excepted,) of any such Inhabitants respectively, shall be estimated and valued at the like Discretion of the Assessors, according to the best Evidence and Information which they can procure respecting the same, at such Sum as they or the Major Part of them shall deem just and equitable, and shall be charged according to such Estimate and Valuation, and included with the Amount of the Rate *per Cent.* charged as aforesaid upon the Value of the before mentioned enumerated Property ; the Sum Total of all which,

to wit, of the Rate charged upon the gross Amount of the Value of such Property, and of the Amount of the annual Income as aforesaid, being the Sum upon which the said remaining Seven Eighth Parts of the Amount so to be raised, together with the Expenses as aforesaid, is to be assessed; the said Assessment to be made by an equal Distribution of the same among the Persons so assessed, as near as may be according to the Value of their respective Properties, and the Amount of the said Incomes respectively: Provided always, that Horses and Neat Cattle under Two Years of Age, and Sheep and Hogs under Six Months old, shall not be liable to be rated: And provided also, that in case of Non-residents employing Agents or Factors to transact Business in the Province, the Agents or Factors of such Person shall respectively be considered, for the Purpose of Assessment under this Act, as the Owners of the Stock in Trade and Property of such Non-residents, and be rated for the same.

Proviso as to young Stock.

Proviso as to the Property of Non-residents.

III. And be it further enacted, That the Fees to the Assessors and Collectors respectively in the several Towns or Parishes, shall be regulated and established by the Justices of the Peace at their General Sessions, before any Assessment is made, as they shall from Time to Time see fit, so always as that the said Assessors and Collectors respectively shall not receive for any Sum not exceeding One hundred Pounds at a greater Rate than Ten *per Cent.*, and when the Sum to be assessed and collected exceeds that Amount, they shall not receive a greater Rate than Seven and a Half *per Cent.* for the First Hundred Pounds, and Six *per Cent.* for all above: Provided always, that no Collector shall be allowed his Per Centage on any greater Sum than he may have actually collected and paid in: And provided also, that no Collector shall be entitled to

Fees to Assessors and Collectors to be settled by the Sessions.

Rate.

When payable.

his Per Centage until he has collected the whole Sum mentioned in the Precept, or settled his Account to the Satisfaction of the Sessions.

An Account of Persons, &c. being taken, Assessors to meet, make out a List, and assess the Sum and Fees among the Persons, Property and Incomes.

IV. And be it further enacted, That whenever any Sum is to be raised by Assessment as aforesaid upon any Town or Parish, the Assessors of such Town or Parish, having taken an Account of all Persons within the same who are to be rated by the Poll, and made a Valuation and Estimate of all Property and of all Income and Profits herein before made rateable and chargeable for the Payment of the Money so to be raised, shall meet at an appointed Time and Place to be agreed on, and at such Meeting they or the Major Part of them shall make out a List, with Columns therein, of such Persons and rateable Property and Incomes, and adding to the Sum so to be raised the Amount of the Sum to be charged for Fees to the said Assessors and to the Collectors of the said Sum, to be calculated as herein before provided, shall assess and distribute the same Sum upon and among the said Persons and Property and Income according to the Regulations herein before provided, and insert the same in the said List; which List shall be in the Form following : that is to say,

Form of List.

Assessment of the Town or Parish of _____, in the County of _____, in pursuance of a Warrant of the General Sessions of the Peace for the said County to levy the Sum of _____, for _____. Dated the _____ day of _____.

Names of Persons.	Poll Tax.	Real Estate.	Personal Estate.	Annual Income.	Amount of Property at 20 per Cent.	Rate to be Taxed.	Total Assessment.

And

And the said Assessors or the Major Part of them shall subscribe the same, and with all convenient Speed transmit a Copy of the same to the Clerk of the Peace, to be filed in his Office ; and in Towns or Parishes where there are Two or more Collectors of Rates, the Assessors or the Major Part of them shall subdivide the said Assessment into as many Parts as there are Collectors, and endorse on each (or if there shall be but One Collector, endorse on the entire Assessment) a Precept under their Hands, in the Form following : that is to say,

Copy to be sent to the Clerk of the Peace.

Precepts to Collectors.

‘ To A. B. One of the Collectors of Rates in the Town or Parish of ———, or to any other Collector of Rates in the said Town or Parish (*or if but One Collector, To the Collector of Rates in the Town or Parish of ———*).

Form of Precept.

‘ You are hereby required forthwith to collect from the several Persons named in the annexed Assessment, the Sums set against their Names respectively under the last Column thereof, entitled “ Total Assessment ;” amounting in the whole to the Sum of ——— ; and to pay the same, when collected, into the Hands of ———, County Treasurer (*or Overseer of the Poor, or otherwise as the Cas: may be*).

‘ Given under our Hands the ——— day of ——— in the Year of our Lord ———.’

‘ V. And to the end that the Purposes of this Act may be more effectually carried into Execution ;’ Be it further enacted, That before any Valuation or Estimate is made of any rateable Property or Income, the Assessors or One of them are required to notify every Person residing within the Town or Parish whose Property or Income is so liable to be rated, either personally or by Advertisement in Writing posted up at Three public Places in such Town or Parish, to furnish such Assessor or Assessors, within Twenty Days after such Notice so given, with a true

Assessors to notify Persons to furnish Statements of their Property, &c.

true Account of his or her Name and Surname, and of his or her Property or Income so rateable, with the Amount or Value thereof; which shall be taken down in Writing by such Assessor or Assessors; and in case any such Person shall neglect or refuse, within Twenty Days next after such Notification made as aforesaid, to give in to such Assessor or Assessors such Amount and Valuation of his or her Property or Income so made rateable, such Person so neglecting or refusing shall be rated and assessed at the Discretion of the said Assessors or the Major Part of them, according to the best of their Judgment; and in case the said Assessors shall have good Cause to believe that any Person who has given an Account and Valuation of his or her rateable Property or Income has not given in a just Account of the same, or a true and just Valuation thereof, such Assessors may rate and assess such Property or Income according to the Truth and Justice of the Case as it may appear to them; and every such Person whose Property or Income is so rated and assessed over and above the Amount and Valuation so given in by him or her, thinking himself or herself overrated, may Appeal to the Justices at their next General Sessions of the Peace, who shall and may examine into the Appeal, and, if the same shall be supported to their Satisfaction, give such Relief as they may think just, either by directing the Sum overrated and paid to be repaid, or otherwise that such Person shall be considered and the Sum so overrated be allowed in any future Assessment of his or her Property or Income.

VI. And be it further enacted, That it shall be the Duty of each and every of the Clerks of the Peace to transmit to the Assessors of the respective Towns or Parishes the several Warrants of Assessments granted from Time to Time by the Courts

On Neglect Assessors to value;

The like or, an Undervaluation being given in.

Persons so assessed may appeal to the Sessions.

Clerks of the Peace to transmit Warrants of Assessment within Twenty Days.

Courts of General Sessions, within Twenty Days after issuing thereof, under the Penalty of Five Pounds for each and every Neglect ; and that it shall also be the Duty of the Assessors, within Sixty Days after the receiving of such Warrant, to make their Assessments and Precepts in Manner herein before required, and deliver the same to the several and respective Collectors of Rates, under the Penalty of Ten Pounds for each and every Neglect of any Assessor ; which Penalties are hereby made recoverable before any One of His Majesty's Justices of the Peace in the County within which such Assessment is made, to be levied by Warrant of Distress and Sale of the Goods and Chattels of the Delinquent, and paid to the County Treasurer for the Use of such County.

Penalty.

Assessments to be made out, &c. within Sixty Days.

Penalty.

Recovery.

VII. And be it further enacted, That it shall be the Duty of the several Collectors in the several Towns or Parishes to proceed with all convenient Expedition, immediately after the Receipt of any Assessment and Precept, to collect the Amount thereby required to be collected, and to pay the same when collected into the Hands of the Person or Persons to whom it is required to be paid, and also, within Four Months from the Receipt of the Assessment and Precept, to render an Account, with Vouchers; accompanied by the same Assessment, into the Office of the Clerk of the Peace ; and in case such Collectors or any of them shall neglect or refuse to pay over the said Sums by them collected, or to render such Account or Accounts, it shall and may be lawful for the Justices at their respective General Sessions or the greater Part of them then and there assembled, to commit such Collector or Collectors to the common Gaol of the County, there to remain without Bail or Mainprize until he or they shall have made full Payment

Amount to be collected immediately, and paid over.

An Account to be rendered within Four Months.

On Default Collectors may be committed to Gaol.

Accounts and Vouchers after being passed by the Sessions, to be deposited with the Clerk of the Peace.

ment of the Sum or Sums of Money so collected by him or them ; and all the Accounts and Vouchers of the said Collectors 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.

26 Geo. 3.c. 42.

‘VIII. And Whereas by the Act made and passed in the Twenty sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for the assessing, collecting and levying County Rates*, the Justices of the Peace in the several Counties, at their General Sessions, are authorized and empowered to apportion and distribute the Sums of Money to be raised from Time to Time for County Charges among the several Towns or Parishes within the respective Counties : And Whereas for the Want of sufficient Means to enable them to ascertain the comparative Wealth of the several Towns or Parishes, the County Rates cannot be equitably apportioned ;’ Be it therefore enacted, That the Justices of the Peace in the several Counties shall and may, at their General Sessions, or at any Special Sessions to be for that Purpose holden, as soon as conveniently may be after the passing of this Act, have full Power and Authority to order and direct the Assessors of the several Towns or Parishes within the respective Counties forthwith to make a Valuation and Estimate of all the Property and Incomes or Profits, and also a List of all Persons, within their respective Towns or Parishes, hereinbefore made rateable and chargeable ; and that the said Assessors shall, within Two Months from the Receipt of any such Order, make such Valuation and

Justices in Sessions may order a Valuation of all Property and Incomes, and a List of Persons rateable to be made out.

To be executed by the Assessors within Two Months.

and Estimate of Property and Incomes and Profits, and List of Persons made rateable and chargeable as aforesaid, conforming strictly to the before mentioned Regulations and Provisions, and shall make out a Schedule and a List thereof as near as may be after the Form herein before mentioned, and return the same into the Offices of the Clerks of the Peace of the Counties respectively.

IX. And be it further enacted, That if any Assessor shall neglect to perform the Duty required by the next preceding Section, he shall forfeit and pay the Sum of Ten Pounds, to be recovered and applied in Manner as provided in the Sixth Section of this Act.

Penalty for Neglect.

X. And be it further enacted, That the Lists so made and returned into the Offices of the Clerks of the Peace shall be by them respectively entered in Books to be for that Purpose provided, and shall be, during the Continuance of this Act, the Guide to the said Justices of the said several Counties for dividing and apportioning any County Tax among the several Parishes in the said Counties respectively.

Lists to be registered and to be the Guide in apportioning Taxes among the Parishes.

XI. And Whereas it has been found inconvenient in many Instances to have the Office of Collector of Rates united to that of Constable ; Be it therefore further enacted, That the said Justices of the Peace in the several Counties shall and may, at the Time of making the annual Appointment of the Town or Parish Officers, have Power and Authority to nominate and appoint One or more fit Persons to be Collectors of Rates in the several Towns or Parishes within their respective Counties, distinct and separate from the said Office of Constable, if they shall deem it expedient ; which Person or Persons shall be styled Collector or Collectors of Rates in the Town or Parish for which he or they shall be so nominated and appointed, and

Parish Collectors may be appointed separate from the Office of Constable.

To be Sworn.

and shall be obliged to take an Oath of Office in like Manner as is required of any Constable, and be subject to the like Penalties for neglecting or refusing to take such Oath within the Time required of such Constable, to be recovered and applied to the same Uses and Purposes as Penalties imposed on such Constables for refusing or neglecting to take such Oath of Office ; and upon every Vacancy happening by the Death or Removal from the Parish of any such Collector, or by Means of the Neglect or Refusal of any Person to take the Oath of Office within the Time required, it shall and may be lawful for any Two Justices of the Peace of the County to which the said Town or Parish shall belong to appoint another fit Person to fill such Vacancy, who shall be obliged to accept of such Office and take the like Oath within Fourteen Days after being notified of his Appointment, subject to the like Penalty for Neglect or Refusal, to be in like Manner recovered and applied ; Provided that the Appointment of a Collector in the City of Saint John shall be and remain with the Mayor, Aldermen and Commonalty of the said City, as already provided by an Act of the General Assembly of this Province.

How Vacancies to be filled up.

Proviso as to Collectors in Saint John.

Persons refusing to pay Assessment for Ten Days to be sued by Collector.

XII. And be it further enacted, That if any Person assessed as an Inhabitant or Resident within any Town or Parish shall refuse or neglect to pay his or her Assessment by the Space of Ten Days after Demand of such Assessment by the Collector, that then and in such Case it shall and may be lawful for such Collector to sue for and recover the same, in his own Name, with Costs of suit, if such Assessment do not exceed Five Pounds, before any One Justice of the Peace, or in the Clerk's Court in the City of Saint John; and if such Assessment exceed the Sum of Five Pounds, then before any Two Justices of the Peace; the Proceedings in any such Case

Case to be in like Manner and under the same Rules and Regulations as are contained and mentioned in an Act made and passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled *An Act for the more easy and speedy Recovery of small Debts.*

50 Geo. 3.c.17.

XIII. And be it further enacted, That in Cases where any Proprietor or Proprietors of real Property lying within any Town or Parish rated and assessed as aforesaid, do not reside in such Town or Parish, and they, or some one on their Behalf, do not appear to pay such Rate and Assessment, the Assessors shall, as soon as conveniently may be after the Assessment made, cause public Notice to be given of such Rate and Assessment, by Advertisement in the Office of Register of Deeds of the County, and also in One public Newspaper published in the County where the Lands lie, and in Counties where no Newspaper is published in the Royal Gazette published by the King's Printer in this Province; which Advertisement shall be continued for the Space of Six Months, unless some Person shall, within that Time, appear on the Behalf of such absent Proprietors to pay such Rate and Assessment, or to appeal to the Sessions; and in case no Person shall appear on Behalf of such absent Proprietor within that Time to pay such Rate and Assessment, or to appeal to the Sessions, then and in such Case it shall and may be lawful for Three of His Majesty's Justices in the County, at the Expiration of the said Six Months, on the Application of such Assessors or their Successors in Office, and they are hereby authorized and empowered, to let out such Part of the Delinquent's Land as may be sufficient by the Produce thereof to pay such Rate and Assessment, together with the Charges of advertising; and in case the Lands of such Absentees should not for the present produce sufficient to pay such Rate and Assessment and

Assessments on real Estate of absent Proprietors not being paid, Assessors to publish the Rate.

If no Person appear to pay the Rate or to appeal, Land to be leased.

Land may be sold if it do not produce sufficient to pay Rate and Charges, or no one appear to hire it.

Charges as aforesaid, 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 of the County to sell at public Auction, to the highest Bidder, first giving Sixty Days' Notice of such Sale in Manner before mentioned, so much of the Lands of such Delinquent as may be sufficient to pay such Rate and Assessment with all the Costs and Charges attending the same, retaining the Overplus (if any) for the Use of such Delinquent; and the said Sheriff is hereby empowered and directed to execute a Deed or Deeds to the Purchaser or Purchasers thereof, his or their Heirs and Assigns, and deliver Seisin and Possession of the same to such Purchaser: Provided always, that such absent Proprietor or Proprietors shall have, within the Time herein before limited for advertising such Rate and Assessment upon the real Property of such absent Proprietor, like and the same Benefit of Appeal to the General Sessions as is given by the Fifth Section of this Act; and in case of Non-payment of any such Rate and Assessment by such absent Proprietor after such Appeal is decided, the like Proceeding shall be had for the Recovery of the same as herein before provided, by letting or selling the Lands of such Delinquent, as the Case may be.

Proprietors may appeal to the Sessions within the Time of advertising.

XIV. And Whereas by reason of the boundary Lines of many Parishes in the Province not having been run, and it being therefore uncertain in what Parish many Lots both of improved Land and Land in a Wilderness State are situate; Be it further enacted, that such Lands shall, in every Respect, be considered as a Part of the Parish in which the Occupiers thereof have performed the Statute Labour on the Highways, until the true Boundaries are ascertained, and shall be assessed accordingly.

How Boundaries of Parishes to be ascertained.

XV. And be it further enacted, That so much of

of an Act made and passed in the Twenty sixth Year of the Reign of His Majesty King George the Third, intituled *An Act to oblige absent Proprietors to pay a Proportion of any public Charge, and to repair Highways*, as relates to absent Proprietors paying a Proportion of any public Charge; also that an Act made and passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act to alter and amend the Laws now in Force for assessing, collecting and levying of Rates for public Charges*; and also another Act made and passed in the Sixth Year of the Reign of His said Majesty King George the Fourth, intituled *An Act to alter and amend the Laws now in Force for assessing, collecting and levying of Rates for public Charges*, be and the same are hereby repealed.

26 Geo. 3. c. 40.
in Part.

3 Geo. 4. c. 24.

6 Geo. 4. c. 15.

repealed.

XVI. And be it further enacted, That the said herein before recited Act made and passed in the Twenty Sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for the assessing, levying and collecting County Rates*; and also another Act made and passed in the same Year, intituled *An Act to regulate and provide for the Support of the Poor in this Province*, and all other Acts now in Force for the levying, assessing and collecting Monies for County or Parish Charges of every Kind, shall continue and remain in Force and Effect, except wherein they are altered and amended or repealed by this Act; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Former Acts continued, except wherein hereby altered or repealed.

XVII. And be it further enacted, That nothing in this Act shall extend or be construed to extend to any Lands belonging to any Body Corporate, or to any public Institutions for Religion or Literature, and not leased or let by such Body Corporate or public Institution to any other Person or Persons.

Not to extend to unleased Lands of Bodies Corporate, &c.

Limitation.

XVIII. And be it further enacted, That this Act shall continue and be in Force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty-three.

CAP. XXVII.

An Act to continue an Act to provide for the Expenses of the Judges holding the Circuit Courts and Courts of Oyer and Terminer in this Province, and of the Clerk in those Courts.

Passed 31st March 1831.

7 Geo. 4. c. 18.
continued for
Two Years.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to provide for the Expenses of the Judges holding the Circuit Courts and Courts of Oyer and Terminer in this Province, and of the Clerk in those Courts*, be and the same is hereby continued and declared to be in full Force and Effect for Two Years and no longer.

CAP. XXVIII.

An Act to authorize the Justices of the Peace, at any General or Special Sessions, to make Regulations for the Destruction or Confinement of Dogs during the Prevalence of canine Madness or Hydrophobia in any Part of the Province.

Passed 31st March 1831.

Preamble.

‘**WHEREAS** the frequent Instances of canine Madness or Hydrophobia of late Years prevailing among Dogs and other Animals in many Parts of this Province, renders it expedient to make Regulations for the Confinement or Destruction of Dogs during the Prevalence of the Contagion, in order to prevent the spreading thereof:’

Be it therefore enacted by the President, Council,

Council, and Assembly, That from and after the passing of this Act, the Justices of the Peace, at any General or Special Sessions to be held in and for any County in this Province, be and they are hereby authorized and empowered to make such Regulations for the Confinement or Destruction of any Dogs within their respective Counties, during the Prevalence of Hydrophobia or Contagion, as they may think expedient or find necessary in order to prevent the spreading of such Contagion.

Justices in Sessions may make Regulations as to Dogs during the Prevalence of Hydrophobia.

CAP. XXIX.

An Act to alter and amend 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 31st March 1831.

‘**W**HEREAS by the first Section of an Act made and passed in the Thirty fourth Year of the Reign of King George the Third, intituled *An Act for preserving the Bank of the River Saint John in Front of the Parishes of Magerville, Sheffield and Waterborough*, it is enacted, among other Things, that it shall not be lawful for Neat Cattle, Horses, Sheep, Swine or Goats to be suffered to go at large in the Highway, or graze on the Bank of the River Saint John in Front of the Parish of Magerville, between the Tenth Day of March and the Tenth Day of November in each Year : And Whereas in consequence of an Alteration of the Highway in Front of the upper Part of the said Parish of Magerville, the same has been found inconvenient : For Remedy whereof,’

Preamble.

34 Geo. 3. c. 9.

Be it therefore enacted by the President, Council, and Assembly, That nothing in the said in part recited Section of the said Act shall be construed to extend to that Part of Magerville from

34 Geo. 3. c. 9. s. 1. not to extend to herein described Part of Magerville.

from where the present Highway leaves the River Saint John, in the Parish of Magerville aforesaid, and runs in the Rear to the County of York, to the upper boundary Line of the said Parish of Magerville.

CAP. XXX.

An Act to continue the Acts for the Encouragement of Parish Schools in this Province.

Passed 31st March 1831.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the
 4 Geo. 4. c. 25. Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Encouragement of Parish Schools in this Province*; also an Act made and passed in the
 9 and 10 Geo. 4. c. 22. Ninth and Tenth Years of the same Reign, intituled *An Act in Amendment of the Act for establishing Parish Schools*, be and the same are hereby continued and declared to be in Force until the First Day of April in the Year of our Lord One thousand eight hundred and thirty five.

continued till 1st April 1835.

CAP. XXXI.

An Act to authorize the Extension of the Gaoi Limits in the County of Charlotte.

Passed 31st March 1831.

Preamble.

WHEREAS in and by the Eleventh Section of an Act made and passed in the Tenth and Eleventh Years of the Reign of his late Majesty King George the Fourth, intituled *An Act to repeal all the Acts now in Force for the Support and Relief of confined Debtors, and to make other and more effectual Provisions in*
 10 and 11. Geo. 4. c. 30.
licu

‘ *lieu thereof*, the Justices in the several Counties were and are empowered, at any General or Special Sessions, to designate certain Limits, not less than Forty nor exceeding Eighty Rods, round the several Gaols in this Province: And Whereas it is expedient to extend the Limits of the Gaol in the County of Charlotte, so as to include Mary Street, Earnest Street, and Prince of Wales Street, in the Town of Saint Andrews, within the said County:’

I. Be it therefore enacted by the President, Council, and Assembly, That the Justices of the Peace in and for the County of Charlotte, at any General Session of the Peace hereafter to be holden in and for the said County, be and they are hereby authorized and empowered to designate, extend and enlarge the Limits round the Gaol in the Township of Saint Andrews, so as to include, to the Westward of said Gaol, Mary’s Street, Eastward, Earnest Street, and to the Northward, Prince of Wales Street; any Thing in the said recited Act to the contrary in anywise notwithstanding: Provided always, that the Limits so extended shall not exceed One hundred and sixteen Rods from said Gaol.

Justices in General Session may extend Gaol Limits as herein described.

Proviso.

II. And be it further enacted, That the Sheriff of the said County of Charlotte may give the like Permission, take the like Bonds, assign the same, and be exempted from Actions of Escape for Prisoners so having the Benefit of said enlarged Limits, in the same Manner as is provided in the Thirteenth and Fourteenth Sections of said recited Act.

Sheriff may give Permission &c., as in 10 and 11 Geo. 4. c. 30. s. 13. 14.

CAP. XXXII.

An Act to enable the Justices of the Peace for the County of Kent to raise Money by Assessment on the Inhabitants of the said County, to discharge the Debt due for erecting the Court House and Gaol.

Passed 31st March 1831.

Preamble.

‘ **W**HEREAS the Justices of the General Sessions of the Peace for the County of Kent have levied the whole Sum they were empowered to raise by Assessment for the Purpose of erecting and finishing a Court House and Gaol : And Whereas the same has been found insufficient to discharge the Amount of the Contract for completing the same :’

Justices in General Session may make a further Assessment, not exceeding Three hundred and fifty Pounds.

Be it therefore enacted by the President, Council, and Assembly, That the Justices of the Peace for the said County, at any General Sessions of the Peace hereafter to be holden, be and they are hereby authorized and empowered to make such further Rate and Assessment, not exceeding Three hundred and fifty Pounds, as they in their Discretion may think necessary, for the Purpose of paying off the Debt due for the erecting and completing of the said Court House and Gaol; the said Sum or Sums to be assessed, levied, collected and paid under and by virtue of any Act or Acts which are now or hereafter may be in Force in this Province for assessing, levying and collecting of Rates for public Charges.

CAP. XXXIII.

An Act to repeal all the Acts now in Force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province; and to make more effectual Provision for the same.

Passed 31st March 1831.

I. BE it enacted by the President, Council, and Assembly, That an Act made and passed in the
Twenty

Twenty sixth Year of the Reign of His Majesty King George the Third, 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 so much of an Act made and passed in the same Year of His said Majesty's Reign, intituled *An Act to oblige absent Proprietors to pay a Proportion of any public Charge, and to repair Highways*, as relates to the Reparation of Highways; also an Act made and passed in the Thirty first Year of the Reign of His said Majesty, intituled *An Act in Addition to and 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 and Parishes in this Province*; also an Act made and passed in the Fiftieth Year of the Reign of His said Majesty, 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*; and also a certain other Act made and passed in the Fifty eighth Year of the Reign of His said Majesty, intituled *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*; and also a certain other Act made and passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act in Amendment of 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 within this Province*; and also a certain

26 Geo. 3. c. 33.

26 Geo. 3. c. 40.
in part.

31 Geo. 3. c. 3.

50 Geo. 3. c. 6.

58 Geo. 3. c. 3.

7 Geo. 4. c. 23.

9 Geo. 4. c. 13. certain other Act made and passed in the Ninth Year of the Reign of His said Majesty King George the Fourth, intituled *An Act to continue and render more effectual certain Acts relative to Highways and Roads within this Province;* and also a certain other Act made and passed in the Tenth and Eleventh Years of the Reign of His said Majesty King George the Fourth, intituled *An Act to continue the several Acts now in Force, relating to Roads and Highways,* so far as the said several Acts are now in Force, be and the same are hereby repealed.

10 and 11 Geo.
4. c. 31.

repealed.

Appointment of
Commissioners
and Surveyors.

II. And be it further enacted, 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 herein after directed; and that the Justices at their General Sessions to be held for the several Counties 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, Streets and Bridges in each Town or Parish, who are to oversee and repair, in the Manner herein after directed, the several Highways, public Roads, Streets and Bridges within the respective Towns or Parishes for which they shall be so 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 for said County; 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

Penalty for Refusal to act or Neglect of Duty.

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 One of His Majesty's Justices of the Peace, and the Forfeiture shall be applied to the repairing of the Highways: Provided always, that in case of the Death, or Removal, or other Incapacity of any Person so appointed and sworn, or of the Neglect or Refusal of any Person so appointed to accept of the said Office, it shall be lawful for any Three Justices of the said County, 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 himself within Fourteen Days after being notified of such 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*.

III. 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, 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 found, laid out and 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,

Recovery and Application.

Appointments in Cases of Vacancy.

Commissioners to lay out Highways, and to regulate those already laid out.

Roads may be altered if upon Oath of Twelve Freeholders it shall appear necessary.

for

for that Purpose, on the Application of Five or more Freeholders residing within the Parish where the said Highways, Roads and Streets lie, then the said Commissioners shall alter the same in the Manner found, laid out and certified by the said Jury ; which Highways and Roads so laid out shall be common Highways ; and the Charges arising from summoning and the Attendance of such Jury, shall be paid by the Person or Persons applying to said Justices ; and in case the said Road so altered shall pass through any improved Lands, or 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 and assessed by such Jury, at the Time of laying out the same as aforesaid : Provided always, that nothing in this Clause shall extend to prevent the Commissioners from altering any Highways or Roads with the Consent of the Majority of the Inhabitants of such Parish (being Freeholders), and the Owners of the Land over which the Road may pass, 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.

Jury to assess Damages where Alterations affect improved Land, &c.

Alterations may be made by Consent.

Stopping up or encroaching on any Street or Highway.

Penalty.
Recovery.

IV. And be it further enacted, That if any Person or Persons do or shall hereafter alter, stop up or encroach on any Street, Highway or Public Road, by laying Timber, Wood, Rubbish, Stones, Carts, Trucks, or any Thing thereon, or by having Gates or Doors opening towards and hanging over the said Streets, Highways or public Roads, such Person so offending contrary to the true Intent and 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,

nesses, and levied by Warrant directed to the Constable of the Town or Parish where such Offence shall be committed, by distraining the Goods and Chattels of the Offenders ; and where no such Effects are to be found, the Offender or Offenders to be imprisoned for Six Days ; or in case such Offender shall not be known or found, the said Articles (if saleable) shall be forfeited and sold by the Order of the said Commissioner or the Surveyor after Three Days' public Notice, unless sooner claimed, and the Proceeds arising from such Sale shall be applied to the repairing of such Streets or Highways ; and in case such Encumbrances be of a nature not to produce any Thing by the Sale thereof, then the said Commissioners or Surveyors shall be empowered to employ any Person liable to labour on the Highways to remove such Encumbrances ; which Person shall be allowed therefor according to the Time he may be employed, to be deducted from the Time he shall be by Law liable to work on the Roads, Streets or Highways.

V. 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 Six Rods, and are not less than Two Rods.

Width of Roads.

VI. And be it further enacted, That the Highways, Roads, Streets 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, shall work either in Person or by able and sufficient Men in their Stead, in each and every Year, provided with such necessary Implements as shall be directed by the respective Surveyors, the Number of Days (allowing Eight Hours to each Day) hereafter provided : that is

All male Persons of the Age of Sixteen Years and upwards to work in Person or by Substitute.

to

Scale of Labour.

to say, Licenced Schoolmasters; and all Apprentices and Persons under the Age of Twenty one Years, Two Days; Journeymen Mechanics, Hired Servants, and Common Labourers, Three Days; all Persons whose real and personal Estate may be estimated to be worth the Sum of One hundred Pounds, and not exceeding Two hundred Pounds, Four Days; exceeding Two hundred Pounds, and not exceeding Four hundred Pounds, Five Days; exceeding Four hundred Pounds, and not exceeding Seven hundred Pounds, Six Days; exceeding Seven hundred Pounds, and not exceeding One thousand Pounds, Eight Days; exceeding One thousand Pounds, and not exceeding Two thousand Pounds, Ten Days; exceeding Two thousand Pounds, and also all Persons whose yearly Income may exceed Three hundred Pounds, Twelve Days; and all other male Inhabitants who do not come within any of the foregoing Description of Persons shall work Four Days: Provided always, that upon Application to Two of His Majesty's Justices of the Peace for said County, they shall and may, at their Discretion, lessen the Number of Days to be performed by any poor and indigent Person.

Justices may lessen the Labour of indigent Persons.

Lists of Inhabitants with the Number of Days' Labour to be made out and published.

VII. 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 Number of Days' Work to be performed by the Inhabitants in their respective Parishes, agreeably to the Provisions of this Act, according to the best of their Judgment; and shall make out a List of the Inhabitants in such Town or Parish, with the Number of Days' Work assessed upon and to be performed by each Person, and shall advertise the same in the most public Place in such Town or Parish; and shall also furnish the Surveyors in their respective Districts with a List of such Inhabitants, and the Number of Days' Work so

to be done by each, and shall within Fifteen Days direct the said Surveyors at what Places the Work shall be done ; which Work shall be done by such Inhabitants under the Direction of such Surveyors; and it shall further be the Duty of the said Commissioners to add to their List the Names of such Persons as may come into their respective Parishes to reside after the said First Day of May, and to fix and assess the Number of Days' Work to be performed by such Persons, unless they produce a certificate of their having performed their respective Proportions of Labour in some other Town or Parish.

Work to be done under the Surveyors.
Persons may be added to the List.

VIII. And be it further enacted, That if any Person 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 Person the sum of Two Shillings and Sixpence for each Day's 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, Roads, Streets and Bridges, between the First Day of May and the First Day of October in every Year, and accounted for by them to the Justices at their First General Sessions in each and every Year.

Commissioners may receive Money in lieu of Labour.

Application.

IX. And be it further enacted, That it shall be the Duty of the Surveyors of Highways in the several Parishes in this Province, when so directed by the Commissioners, at the most fit and suitable Time between the First Day of May and the First Day of September in each and every Year, to summon the Inhabitants of their respective districts, either personally or by leaving Notice at their usual Place of Abode, giving them at least Six Days' Notice of the Time and Place where they are to be employed ; and the said Surveyors shall then proceed to expend the Labour

Surveyors to summon Inhabitants to work on the Roads between the First of May and First of September.

Labour of the Persons so summoned, 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; subject nevertheless to such Orders and Directions, as the said Surveyors may from Time to Time receive from the Commissioners: and when any Surveyor of Highways shall judge the Use of Waggons, Carts, Trucks, Ploughs or Harrows more necessary than the Labour of Men, in that Case such Surveyor may call on any Person or Persons within his District keeping any Waggon, Cart, Truck, Plough or Harrow, with Two good Oxen, or Two Horses; which Waggon, Cart, Truck, Plough or Harrow, with Two good Oxen, or Two Horses, with a competent Driver, shall be equal to Three Days' Labour.

Waggons,
Ploughs, &c.
may be called
out.

Statements of
Persons liable
to work on the
Roads to be
furnished when
called for by the
Surveyor.

X. And be it further enacted, That every Person when called upon by the Surveyor of any Parish shall within Twenty four Hours give and render to the said Surveyor a particular Account and Statement, in Writing, containing the Names of all Persons who may be in his, her or their Employ, or who may be resident in the House kept or occupied by such Person or Persons, and who may be liable to perform Labour on the Highways; such Statement to contain not only the Names of Persons belonging to his, her or their Family, but also the Names of any Boarders, Lodgers and domestic Servants who may be liable as aforesaid; and if any such Person or Persons shall neglect or refuse to render such Account when so called upon, or shall give and render a false or incorrect Account or Statement, he or she shall forfeit and pay the Sum of Five Pounds, to be sued for and recovered by the Commissioners of the said Parish, before any One Justice of the Peace in and for the said County in which the said Parish is situate; and the

Penalty.
Recovery.

the Penalty when recovered to be paid into the Hands of the Commissioners, to be by them applied in making and repairing the Roads within the said Parish. Application.

XI. 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, within Six Days from and after such Neglect or Refusal, to make Report of such Delinquency to some One of the Commissioners, who shall without Delay make Complaint in their own Names to a Justice of the Peace against every such Delinquent; which Justice shall, on Conviction, adjudge every such Delinquent to pay the Sum of Two Shillings and Sixpence 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 Offender's Goods and Chattels, under the Hand and Seal of such Justice, directed to any Constable in the Town or Parish to which such Offender may belong, and in case no Goods or Chattels can be found, it shall and may be lawful to commit such Offender to the common Gaol of the County, not exceeding Six Days; and if any Person who shall appear agreeably to such Summons, and being under the Direction of such Surveyor, shall refuse or neglect to work, or shall 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 Penalty for neglecting or refusing to labour.

Mode of Recovery.

Persons not working satisfactorily to be dismissed and proceeded against.

P adjudged

adjudged to pay the Sum of Two Shillings and Sixpence 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.

Penalty for refusing to furnish Carts &c.

XII. 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 Seven Shillings and Sixpence 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 who may be summoned to do his Labour on the Highways shall produce a Certificate, within Six Days after being so summoned, from any Commissioner appointed by virtue of this Act, that he has in the current Year done his Tour of Labour in any other Parish in this Province, he shall be excused from doing such Labour that Year; and if the Person so summoned shall neglect to produce such Certificate within the Time so specified, he shall not be allowed to derive any Benefit or Exemption therefrom;

Mode of Recovery.

Certificates of having worked in any other Parish to be produced within Six Days after Summons.

therefrom; and that no Justice of the Peace shall receive any such Certificate in Evidence upon any Prosecution to be brought under the Provisions of this Act, as a Defence to such Prosecutions, unless it shall be made to appear to the Satisfaction of the said Justice that such Certificate was produced to, or left at the Dwelling-House of such Surveyor, within the Time above specified.

XIII. 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 and may be lawful for the Commissioners of Highways in the several Towns and Parishes within this Province, to direct 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, and also to provide such Materials as may be necessary for making and repairing such Roads and Bridges; and the said Surveyors are hereby authorized and required, when so directed, to summon so many of the Inhabitants of the said Parish as may be necessary, to work after such Manner as they (the said Surveyors) shall direct, in removing such Trees or Windfalls, and in repairing such Roads and Bridges, and also in providing such Materials as may be necessary for such Reparation and Amendment; and all Persons keeping any Waggon, Carts, Trucks, Sleds or Teams shall, when called upon by such Surveyor for the Purposes aforesaid, attend with the same; which Work and Labour, when so performed, shall be deducted from and allowed as a part of the Number of Days such Person may be obliged by Law to work on the Highways; and any Person

Power to repair Roads, &c. in the intervening Time between Performance of Statute Labour.

Persons working to have Credit therefor.

not

Penalties.

not attending, or refusing to work as aforesaid, shall forfeit the Sum of Two Shillings and Sixpence for each Day's Neglect, and also the Sum of Five Shillings per Day for refusing or neglecting to furnish such Carts, Waggons, Trucks, Sleds or Teams, to be sued for, and recovered, and applied as is directed in and by the Eleventh Section of this Act.

Returns of
Highways to be
made to the
Clerks of the
Peace to be re-
gistered.

XIV. 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 of Roads laid out or altered, and sign the same, and, within Three Months after such Highway or Road shall be laid out or altered as aforesaid, make a Return thereof into the Office of the Clerk of the Peace for the County in which such Highways or Roads are laid out, to be by such Clerk entered in a Book kept for that Purpose; and whatsoever the said Commissioners shall do according to the Powers given them in this Act, being so entered, shall be valid and good to all Intents and Purposes whatsoever; and that every Commissioner who shall refuse or neglect to perform the Duty enjoined and required of each of them as aforesaid, shall forfeit and pay for every such Refusal or Neglect the Sum of Three Pounds, to be recovered and applied in the same Manner as is herein after directed in the Twentieth Section of this Act.

Penalty.

How private
Roads shall be
laid out.

XV. 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 that such Road is absolutely necessary, and Twelve principal Freeholders of the County, to be summoned in Manner aforesaid, under Oath, shall be of
the

the same Opinion, the said Commissioners are hereby empowered to lay out such Road; Provided that they shall not lay out such Road through any Person's Land without the Consent of the Owner or Owners thereof, or agreeing with, or paying to him or them the Value of the Land so to be laid out into such Road, with such Damages as he or they may sustain by the said Road; and in case they cannot agree, then the true Value shall be set and appraised by the Justices of the Peace issuing such Warrant as aforesaid for the summoning such Freeholders, and by the Oath of the said Freeholders so summoned; and all the Expenses and Charges attending the said Road shall be paid by the Person or Persons applying for the same: Provided always, 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.

Expenses.

Width of private Roads.

XVI. 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 Building, then and in such Cases the Damage to the Owner or Owners of such Land shall be ascertained by such Juries.

Damages by public Roads through improved Lands &c., to be estimated by a Jury.

XVII. 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

Ways to be marked in the Snow.

Ice,

Ice, to order the Surveyors of Highways and Roads for the said Town or Parish to summon forthwith so many Inhabitants as the said Commissioners shall in their Discretion think necessary, to work after such Manner as they (the said Surveyors) shall direct, in cutting or carrying Bushes, or marking Ways; and such Person not attending or refusing to perform the said Work as directed by the said Surveyors, shall forfeit the Sum of Two Shillings and Sixpence for each Day's Neglect, to be sued for, recovered and applied as is directed in the Eleventh Section of this Act : 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.

Penalty.

Rivers when frozen over to be considered as Parts of the Parishes &c.

Teams with competent Drivers to be sent when summoned.

Penalty.

Ways to be marked with evergreen Bushes.

XVIII. 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 Five Shillings, to be sued for, recovered and applied as is directed in the Eleventh Section of this Act.

XIX. And be it further enacted, That the said Way shall be marked in such Place as the said Commissioners shall direct, with evergreen Bushes erected at the Distance of not more than Four Rods (lengthways of the said Path) from each

each other, and Five Feet in Height; and on any of the said Marks being displaced, the Surveyors shall summon forthwith as many of the nearest Inhabitants with their Teams as they may judge necessary to replace them; and in Case of Refusal or Neglect, every Person so offending shall forfeit the Sum of Two Shillings and Sixpence for each Man, and Five 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 Section, or the Sum he shall forfeit, shall be deducted from and allowed as a Part of the Number of Hours he is obliged by Law to work upon the Highways.

Penalty.

Roads on Banks of Rivers.

Work done under this Section to be credited.

XX. And be it further enacted, That if any Person shall willfully 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 Offender's Goods, rendering the Overplus (if any) after deducting the Costs and Charges to the Offender; One Half of the said Forfeiture to be applied to the Use of the Poor of the Town or Parish where such Offence shall be committed, the other Moiety to him or them who shall inform and sue for the same; and for Want of such Effects to levy on, the Offender or Offenders shall be imprisoned for a Term not exceeding Six Days.

Penalty for destroying the Marks.

Recovery.

Application.

Winter Roads to
be broken in
the Snow.

XXI. And be it further enacted, That the said Surveyors of the Highways (by the Direction of the Commissioners) shall have full Power and Authority, and they are hereby required, during the Winter Season, to summon such and so many of the Inhabitants having Horses, Oxen or Teams, in their respective Districts, as they in their Discretion shall think fit, to work, at the Time and Place appointed, on the Highways or public Winter Roads, by breaking Roads in the Snow with their said Horses, Oxen or Teams, whenever the Depth of Snow shall render the same necessary, not exceeding Four Days in each Winter, and at no greater Distance than Three Miles from their own Houses ; and such Inhabitants shall perform the same Work over and above the Work which such Inhabitants are liable to perform upon the Highways, Roads and Bridges in and by this Act ; and every Person who shall refuse or neglect to work when so called upon, 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 herein required, the Sum of Seven Shillings and Sixpence, to be recovered in the same Manner as is prescribed by the Eleventh Section of this Act, and to be applied by the Commissioners towards breaking the Winter Roads.

Penalty.

Sleds and
Sleighs to be fur-
nished with
Bells.

XXII. 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 by any Person who shall sue for the same, upon Conviction, before any One of His Majesty's Justices of the Peace,

Penalty.

Recovery.

by

by the Oath of One or more credible Witness or Witnesses, or on the View of such Justice, and levied by Warrant of Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand 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 as is mentioned in the Twentieth Section of this Act.

Application.

XXIII. And be it further enacted, That the respective Commissioners of Highways shall, on or before the First Day of December in each and every Year, deliver in to the Clerk of the Peace of their respective Counties, to be by him filed, 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 Commissioner shall neglect or refuse to deliver in such Accounts, or any or either of them, to the Clerk of the Peace as aforesaid, he shall forfeit and pay for every Offence the Sum of Five 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

Accounts of Labour and Money to be delivered to the Clerk of the Peace.

Penalty.

Recovery and Application.

such County, for any Sum so remaining in his Hands.

Labour by Commissioners and Surveyors.

XXIV. 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 when any Surveyor or Surveyors shall be required to superintend the Work on the Highways more than Six Days, the Commissioners shall pay him or 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.

Assessments of Damages on account of Roads to be laid before the Sessions.

XXV. And be it further enacted, That the said Commissioners shall and may, in all Cases where a Jury shall have assessed the Damages for the Owners of any Land over which a Road may have been laid out or altered either by the said Commissioners or a Jury, lay before the Justices of said County at their General Sessions the Assessment so made by said Jury; which Assessment the said Justices are hereby authorized and required to examine and allow, and to make such Order for the Payment thereof by the Inhabitants of any One or more Parishes in said County, as they (the said Justices) may think just and reasonable, and thereupon shall issue their Warrants to the Assessors of such Parishes for the assessing and levying the several Sums allowed and ordered as aforesaid; which Sums shall be rated, assessed and collected in such Manner and under the same Regulations, Restrictions, Penalties and Forfeitures as County Charges are rated, assessed and collected, and shall be paid into the Hands of the Persons for whom such Damages may have been assessed.

To be allowed and assessed as the Justices shall think reasonable.

If any Roads to be laid out or altered, be not generally useful, Commissioners to report to the Sessions, who

XXVI. Provided always, and be it further enacted, That if any Road or Highway so to be laid out or altered, shall not in the Opinion of the said Commissioners be necessary or useful for the Parish generally in which the same

situate,

situate, but for the particular Convenience of a certain Portion, District or Neighbourhood, whether lying wholly in One Parish or between Two or more Parishes, they shall report the same to the said Justices in General Sessions, specifying in such Report the Bounds and Limits of such Portion, District or Neighbourhood, together with the Names of the Persons resident in the same ; which said Justices are hereby authorized and required to examine into the Matter, and, if they should be of the same Opinion as the said Commissioners, then to appoint Two or more Persons within the said District or Neighbourhood to be Assessors, who shall thereupon assess the Damages which may be sustained in laying out such Road upon the said Persons resident in the said District or Neighbourhood, in the same Manner as if such District or Neighbourhood were a distinct Parish ; and the like Proceedings may be had for levying and recovering the said Assessment as are now provided for the Collection of other Rates for County Charges.

are to examine
in^o the Matter,
&c.

XXVII. And be it further enacted, That no Prosecution or Suit for the Recovery of any of the Penalties mentioned in this Act, shall be brought or instituted after the Expiration of Six Months from the Time of committing the Offence intended to be prosecuted ; Provided nevertheless, that nothing in this Act shall be construed to extend to prevent those intrusted with public Money, by virtue of any of the herein before recited or any other Acts, from being held accountable for all Monies so received by them.

Prosecutions to
be commenced
within Six
Months.

Exception.

XXVIII. Provided always, and be it further enacted, That any Person thinking that he has been overrated or assessed too high by the said Commissioners, may appeal to the Justices of the Peace at their next General Sessions after the said Work and Labour required by this Act has been

Persons overrat-
ed may appeal
to the Sessions.

been performed; and the said Justices are hereby authorized and required to examine into the Appeal, and if the said Appellant shall make it appear to their Satisfaction that he has been assessed too high, the said Justices shall and may give Relief, by allowing the said Appellant the Number of Days in which he may appear to have been over assessed, out of his Proportion of Statute Labour on the Highways the next Year.

No Appeal to be heard unless a Memorandum and Affidavit shall have been left, &c.

XXIX. Provided also, and be it further enacted, That no such Appeal shall be heard unless the Person deeming himself aggrieved do, within One calendar Month after receiving Notice of the said Assessment, or being summoned to perform Labour, leave a written Memorandum in the Office of the Clerk of the Peace for the County, or with the Commissioners of Highways of the Parish, who are required to transmit the same to the said Clerk's Office; to which Memorandum shall be annexed an Affidavit in the Form following, or to that Effect :

Form of Affidavit.

' County of }
' Ss. } I, A. B. of the Parish of ———
' ——— in the said County, do make Oath that
' the Whole of the Property, real and personal,
' owned by me, or held by any other Person in
' Trust for me or for my Use, does not exceed
' —————, and that my whole yearly Income
' does not exceed —————.
' Sworn at ——— the ——— Day of
' ——— before me
' C. D. Justice Peace.'

Act not to interfere with the Charter of Saint John.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to interfere with the Rights and Privileges granted by Charter to the Mayor, Aldermen and Commonalty of the City of Saint John.

Limitation.

XXXI. And be it further enacted, That this Act shall continue and be in Force until the First

First Day of April One thousand eight hundred and thirty-three.

CAP. XXXIV.

An Act to repeal 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 31st March 1831.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the Forty seventh Year of the Reign of King George the Third, 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,* be and the same is hereby repealed.

47 Geo. 3. c. 16.

repealed.

CAP. XXXV.

An Act to amend an Act, intituled *An Act to repeal all the Acts now in Force relative to the Importation and Spreading of infectious Distempers in the City of Saint John; and to make more effectual Provisions for preventing the same.*

Passed 31st March 1831.

WHEREAS by the Seventh Section of an Act made and passed in the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Acts now in Force relative to the Importation and Spreading of infectious Distempers in the City of Saint John; and to make more effectual Provision for preventing the same,* the Mayor, Aldermen and Commonalty, in Common Council convened, are empowered to order and direct the landing of Passengers from Vessels whilst performing Quarantine, in order to facilitate the Recovery of those who

Preamble.

10 & 11 Geo. 4, c. 27.

are

are infected with Disease, and to prevent the spreading thereof among the other Passengers, but no Provision is therein made for the Prevention of Intercourse with the Persons so landed; in consequence of which the beneficial Tendency of the said Act is rendered almost nugatory :

Special Constables to be appointed to prevent Intercourse with Passengers landed from Vessels performing Quarantine.

I. Be it therefore enacted by the President, Council, and Assembly, That if Passengers from any Ship or Vessel, whilst performing Quarantine, shall be landed by the Order or Direction of the said Mayor, Aldermen and Commonalty, in Common Council convened, either at Part-ridge Island or any other Place to which by Law they may be conveyed, it shall and may be lawful for the said Mayor, Aldermen and Commonalty so convened, to appoint such and so many special Constables as may be found expedient, to prevent Intercourse with the said Passengers ; and the said Constables are hereby authorized and empowered to prevent all Intercourse between the said Passengers so landed, and Persons from the Shores on either Side of the Harbour, or within the County of Saint John, and those on board the Vessel, or between the said Passengers so landed and any Vessel in the said Harbour, except under the Direction of the Physician or Physicians appointed under and by virtue of the said herein before recited Act.

Their Authority.

Unauthorized Persons holding Intercourse with Passengers ;

II. And be it further enacted, That no Person or Persons, other than the Physician or Physicians appointed under the foregoing mentioned Act, or some Person or Persons by them or One of them authorized, in Writing, for that Purpose, shall be permitted to have any Intercourse with the Passengers so landed as aforesaid, under the Penalty of Twenty Pounds for each and every Offence ; and if any Person or Persons, other than the said Physician or Physicians,

Penalty.

To be detained until Permission from visiting

Physicians; or any or some Person or Persons by them or One of them authorized, in Writing, for that Purpose, shall have any Intercourse with the said Passengers so landed, then and in such Case the Constable or Constables appointed as aforesaid, are hereby authorized and required to keep and detain such Person or Persons at the Place appointed as aforesaid for the said Passengers as aforesaid to be kept, until Permission in Writing be had from the said Physician or Physicians for him, her or them to depart; and if any such Person or Persons so having unlawfully had Intercourse with the said Passengers shall depart from the Place so appointed for the said Passengers, before such Permission in Writing as aforesaid shall have been given for him, her or them to depart, every Person so offending shall for each and every Offence forfeit and pay the Sum of Fifty Pounds; and it shall and may be lawful for the said Mayor or any One of the said Aldermen of the said City, or One of the Justices of the Peace for the said City and County, to cause such Person or Persons to be apprehended and carried back to the Place from whence he, she or they may have so departed, or to be otherwise disposed of so as to prevent the Infection.

Physician be had for them to depart;

Departing without such Permission;

Penalty.
May be apprehended and carried back, &c.

III. And be it further enacted, That the several and respective Penalties hereby imposed, shall and may be prosecuted, sued for and recovered in the same Manner as is provided by the Ninth Section of the herein before recited Act.

Penalties to be recovered as in 10 & 11 Geo. 4. c. 27, s. 9.

CAP. XXXVI.

An Act to authorize the Justices of the Peace for the County of Charlotte further to assess the Inhabitants of said County for the Completion and Finishing a Gaol, and for the Erection of Lock-up-Houses in said County.

Passed 31st March 1831.

WHEREAS, in and by an Act made and passed Preamble.

10 & 11 Geo.
4. c. 13.

‘ passed in the Tenth and Eleventh Years of the
‘ Reign of His late Majesty King George the
‘ Fourth, the Justices of the Peace in and for
‘ said County of Charlotte, in General Session,
‘ were authorized and empowered to make a Rate
‘ and Assessment of any Sum not exceeding One
‘ thousand Pounds, as they might think necessary,
‘ for the Erection and Finishing a Gaol in said
‘ County : And Whereas it is found that the said
‘ Sum will be insufficient for Completion of said
‘ Gaol, and it is necessary that a further Rate and
‘ Assessment should be made for the Purpose : ’

Justices in Gen-
eral Sessions
may assess not
exceeding One
thousand Pounds
for completing
the Gaol.

I. Be it therefore enacted by the President, Council, and Assembly, That the said Justices of the Peace, at any General Sessions of the Peace held in and for the County of Charlotte, or the Major Part of them assembled, be and they are hereby authorized and empowered to make a further Rate and Assessment of any Sum not exceeding One thousand Pounds, as they in their Discretion may deem sufficient and necessary, for the Completion and Finishing such Gaol ; the said 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 under any Act or Acts now or which may be hereafter in Force in this Province for assessing, levying and collecting of Rates for public Charges : Provided always, and be it further enacted, that no more than One half Part of said Sum of One thousand Pounds be assessed and levied in any One Year.

How and in
what Proportions
to be collected.

Justices may
contract for
building Lock-
up-Houses in
Saint George
and Saint Ste-
phen ;

II. And be it further enacted, That the Justices of the Peace for the said County, at any General Sessions of the Peace hereafter to be holden, or the Major Part of them, be and they are hereby authorized and empowered to contract and agree with able and sufficient Workmen for building and finishing a Lock-up-House or House
of

of Correction in each of the Parishes of Saint George and Saint Stephen, and to agree for such Sum and Sums of Money as to them may seem meet, in order to carry this Object into Effect ; and the said Justices, or the Major Part of them, are hereby authorized to make a Rate and Assessment of a Sum not exceeding Two hundred Pounds, for the erecting and finishing such Lock-up-House or House of Correction in each of the said Parishes; the said Sum to be assessed, levied and collected in such Proportion, and in such Manner, and on such Parishes in the said County, as the said Justices in their General Sessions may under and by virtue of any Act or Acts now or which may hereafter be in Force for assessing, levying and collecting of Rates for public Charges ; and when collected, to be equally divided between the said Parishes of Saint George and Saint Stephen for the building and finishing the said Lock-up-Houses or Houses of Correction in those Parishes.

and assess not exceeding Two hundred Pounds.

How and in what Proportions to be collected and applied.

CAP. XXXVII.

An Act to regulate the Assize of Bread in the Towns of Newcastle and Chatham in the County of Northumberland.

Passed 31st March 1831.

‘ **WHEREAS** it is found necessary that there should be a Law to regulate the Assize of Bread in the Towns of Newcastle and Chatham, in the County of Northumberland :’

Preamble.’

I. Be it therefore enacted by the President, Council, and Assembly, That the Justices of the Peace for the County of Northumberland, be and they are hereby authorized and empowered, from Time to Time, to make such Rules and Regulations for ascertaining and establishing the Assize of Bread, and the Sale thereof, for the said Towns of Newcastle and Chatham respec-

Justices in Sessions to regulate the Assize and Sale of Bread.

R

tively;

tively, as they or the Major Part of them, in any General Sessions, or at any Special Sessions to be held for that Purpose, shall deem just and expedient, and to enforce such Rules and Regulations under such Fines as they or the Major Part of them shall think fit: Provided always, that no Fine for any Offence shall exceed the Sum of Forty Shillings.

Fines not to exceed Forty Shillings.

Power of Clerks of Market to seize Bread deficient in Weight.

II. And be it further enacted, That the Clerk of the Market for the said Towns of Newcastle and Chatham respectively, is hereby authorized and empowered, whenever he shall judge it necessary, and it shall be his Duty at all Times when Complaint shall be made to him, to enter and go into any Bakehouse within the Town for which he shall be so appointed (in the Day Time) where Bread is manufactured for Sale, and in case he shall find any Bread to be of less Weight than the regulated Size to be established as aforesaid, it shall be his Duty and he is hereby enjoined and required to seize all Bread he shall so find deficient in Weight, and to deliver the same to the Overseers of the Poor, or to any One of them, for the Parish in which such Bread shall be seized, for the Use of the Poor of such Parish; and such Clerks of the Markets shall respectively have like Power to seize, and dispose of as is above directed, any Bread that may be found deficient in Weight in any Cart, Sled or other Vehicle in which the same may be carried about for Delivery or Sale.

Bread so seized to be for the Use of the Poor.

Penalty for Neglect of Duty.

III. And be it further enacted, That the said Clerks of the Markets shall forfeit and pay for any Neglect of Duty imposed on them by virtue of this Act, the Sum of Forty Shillings, to be forfeited by the Party guilty of such Neglect.

Penalties how to be recovered and applied.

IV. And be it further enacted, That the several Fines and Penalties imposed by this Act shall be recovered upon the Oath of One or more credible Witness or Witnesses before any One of His

His Majesty's Justices of the Peace in the said County, and levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) after deducting the Costs and Charges of such Prosecution and Sale to such Offender, and shall be applied, One Half to the Person who shall sue for the same, and the other Half to the Use of the Poor of such Parish in which the Offence shall have been committed.

V. And be it further enacted, That this Act shall continue and be in Force for Five Years. Limitation.

CAP. XXXVIII.

An Act to repeal the Act now in Force against the Profanation of the Lord's Day, commonly called *Sunday*, and for the Suppression of Immorality; and to make other Provisions in lieu thereof.

Passed 31st March 1831.

‘ **WHEREAS** the Act now in Force against the Profanation of the Lord's Day, and for the Suppression of Immorality, has been found insufficient for the Purposes intended:’ Preamble.

I. Be it therefore enacted by the President, Council, and Assembly, That an Act passed in the Twenty sixth Year of the Reign of His Majesty George the Third, intituled *An Act against the Profanation of the Lord's Day, commonly called 'Sunday,' and for the Suppression of Immorality*, be and the same is hereby repealed. 26 Geo. 3. c. 5.
repealed.

II. And be it further enacted, That from and after the passing of this Act all Persons within this Province, of what Description soever, who shall be convicted, either on View or by the Oath of One or more credible Witness or Witnesses, before any One of His Majesty's Justices of the Peace in any County within this Province, of shooting, gaming, sporting, playing, hunting, or frequenting Tippling-Houses, or of servile Labour (Works of Necessity and Mercy excepted), on the Lord's Shooting, gaming &c., on the Lord's Day, Drunkenness, or disturbing public Worship on that or any other Day.

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 a Sum not less than Five Shillings nor more than Twenty Shillings, at the Discretion of such Justice, to be levied by Distress and Sale of the Offender's Goods and Chattels at Public Auction, by Warrant under the Hand and Seal of any Justice of the Peace, the Overplus (if any) after deducting Costs of Prosecution to be returned to the Owner of such distrained Goods; and for Want of Goods and Chattels to satisfy such Forfeiture and Costs, such Offenders shall for every such Offence, by Warrant under the Hand and Seal of the Justice of the Peace before whom convicted, be committed to the common Gaol of such County, or the Lock-up-House of the Parish (having such a House) where the Offence was committed, and there kept in close Confinement for a Term not less than Twelve Hours nor more than Four Days, at the Discretion of the Justice before whom he or she shall have been so convicted; all Forfeitures incurred by virtue of this Act to be applied towards the Relief of the Poor of the Parish in which they shall respectively have been incurred: Provided always, that the Complaint shall be within Ten Days after the Commission of such Offence.

Penalty.

Mode of Recovery.

Application.

Complaint to be within Ten Days.

CAP. XXXIX.

An Act to incorporate sundry Persons by the Name of the *New-Brunswick Fire Insurance Company*.

Passed 31st March 1831.

Preamble.

‘**W**HEREAS it is thought that the Establishment of an Insurance Company against Fire would tend to the Increase of the Wealth of the City

‘ City of Saint John and of the Province in general, by keeping within the Province large Sums of Money that are annually paid in other Parts for Insurance against Loss or Damage by Fire :’

I. Be it enacted by the President, Council, and Assembly, That James Hendricks, William Scovil, Isaac L. Bedell, Benjamin Smith, John Kinnear, William H. Street, Robert F. Hazen, Robert Rankin, Ralph M. Jarvis, Stephen Wiggins, John M. Wilmot, John V. Thurgar, John Kerr, William Jarvis, William Hughson, Lauchlan Donaldson, Henry Gilbert, Robert W. Crookshank, Thomas Millidge, William Crane, Henry G. Clopper, Thomas Wyer, Jedediah Slason, Daniel Leavitt, John Smyth, James Keator, William Walker, James Kirk, James T. Hanford, John Robertson, Charles Ward, Angus M. Kenzie, John Wishart and Richard Sands, their Associates, Successors or Assigns, be and they are hereby declared to be a Body Corporate, by the Name of the *New-Brunswick Fire Insurance Company*; 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 Chattels, and all other Things, real, personal or mixed, 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 any Court or Courts of Law and Equity, or any other Place or Places whatsoever, in all and all Manner of Actions, Suits, Complaints, Demands, Pleas, Causes and Matters whatsoever, in as full and ample a Manner, to all Intents and Purposes,

Company incorporated by the Name of the *New-Brunswick Fire Insurance Company*.

Powers and Privileges.

poses, as any other Person or Persons are in Law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they have one common Seal to serve for the en sealing of all and singular their Grants, Deeds, Conveyances, Contracts, Bonds, Articles of Agreement, Assignments, Powers and Warrants of Attorney, and all and singular their Affairs and Things touching and concerning the said Corporation.

Fifty thousand Pounds to be the Capital, payable One Fifth in Ninety Days, and the Remainder when necessary.

II. And be it further enacted, That the Capital or Stock of the said Corporation shall consist of the Sum of Fifty thousand Pounds, to be paid in such Money as shall at the Time of the several Payments herein after expressed be a legal Tender in this Province; Ten thousand Pounds, being One Fifth Part thereof, to be paid within Ninety Days after the passing of this Act, and the remaining Four Fifths, or Forty thousand Pounds, to be paid at such Time and Times, and in such Parts or Portions, as the Directors for the Time being shall from Time to Time think necessary; the whole Amount of such Capital or Stock to be divided into Shares of Ten Pounds each, making in the Whole Five thousand Shares.

To be divided into Shares of Ten Pounds each.

For Ninety Days after the passing of this Act no Member to hold more than Fifty Shares.

III. And be it further enacted, That no Member of the said Corporation, during the said Ninety Days after the passing of this Act as aforesaid, shall be entitled to hold or subscribe for more than Fifty Shares of the said Capital or Stock; and if the Whole of the said Capital or Stock shall not have been subscribed within the said Ninety Days, that then and in such Case it shall be lawful for any Stockholder or Stockholders to increase his, her or their Shares or Subscriptions to as many Shares as he, she or they may think proper.

Twenty per Cent. on the Shares to be

IV. And be it further enacted, That every Subscriber or Stockholder shall pay into the Hands

Hands of the Directors for the Time being, within the said Ninety Days as aforesaid, One Fifth Part, or Twenty *per Cent.* on the whole Amount of his or her Share or Shares, and shall give to the President and Twelve Directors herein after mentioned good and satisfactory Security or Securities, either by Bond and Mortgage on real Estate, or otherwise, at the Option and to the Satisfaction of the said President and Directors, that the Residue of the whole Amount of his or her Shares shall be paid to the said President and Directors for the Time being, from Time to Time, and in such Parts or Portions, as to them the said President and Directors shall seem advisable : Provided that the Amount so to be called in shall not exceed at any One Time Twenty *per Cent.* on the whole Amount of the Capital or Stock belonging to any Individual ; and that Fifty Days' Notice of such Payment being required shall be given in One or more of the Newspapers published in this Province.

paid to the Directors within said Ninety Days, and Security given for the Remainder.

Proviso.

V. And be it further enacted, That whenever Two thousand Shares shall have been subscribed of the said Capital or 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 Fourteen Days previous to such Meeting, for the Purpose of choosing Thirteen Directors, being Members and Stockholders of the said Corporation, under and in pursuance of the Rules and Regulations herein after made and provided ; which Directors shall, as soon thereafter as may be convenient, meet together and choose out of their Number a President, and shall at such or any future Meeting proceed to make such Bye Laws, Rules and Regulations for the good Management of the Affairs of the said Corporation as they shall deem proper and necessary, and shall also appoint, at the same Time or at any

First general Meeting for choosing Directors.

Directors to choose a President ;

make Bye-Laws ;

any

appoint Officers ;

receive Instalments and take Securities ;

and commence the Operations of the Company.

any future Meeting, a Secretary and so many other Officers, Clerks and Servants for carrying on the said Business as shall be thought requisite, and shall, at the same Time or at any future Meeting, accept and receive the First Instalment of *Twenty per Cent.* on each Subscriber's or Stockholder's Share or Subscription, and shall take from such Subscribers such Securities for the Remainder of their Subscriptions as is herein before pointed out, and shall commence the Operations of the said Insurance Company, subject to the Rules and Regulations herein after made and provided, and shall continue to serve and be Directors aforesaid until the First annual Meeting for the Choice of Directors as herein after made and provided, or until others are chosen in their Room : Provided that the Laws and Ordinances at any Time made by the said Directors, be not in anywise contrary or repugnant to the Laws and Statutes of this Province.

At the annual general Meeting, which is to be held on the First Monday in March, Thirteen Directors to be chosen.

VI. And be it further enacted, That there shall be a general Meeting of the Stockholders and Members of the said Corporation held annually on the First Monday in March in each and every Year, between the Hours of Twelve at Noon and Three in the Afternoon, 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 then met, out of the said Stockholders and Members, 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 said Corporation shall vote according to the Rule herein after mentioned ; and the Directors when chosen, or the Major Part of them, shall, at the First Meeting after their Election, choose out of their Number a President, who is to be chosen by a Majority of Votes, each Director having One Vote:

President to be chosen by the Directors at their First Meeting thereafter.

Provided

Provided always, that Seven of the Directors in Office shall be re-elected at such annual Meeting for the next succeeding Year, of which the President shall always be One.

Seven Directors to be re-elected.

VII. And be it further enacted, That the Directors for the Time being shall have Power to do and execute all the Matters and Things contained in the preceding Section of this Act, as far as the same may be left unexecuted by the Directors therein mentioned, and to alter and amend, or entirely abrogate, such Bye Laws, Rules and Regulations as may be made by any former Set of Directors, so often as Experience and Necessity may require; and that they shall manage the whole Concerns of the said Corporation agreeably to this Act of Incorporation and such Bye Laws, Rules and Regulations, and also do and execute all other Matters and Things that may be necessary and requisite for the Benefit of the Corporation; and also 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 the said Officers, Clerks and Servants such Compensation for their respective Services as to them the said Directors shall appear reasonable and proper, all which, together with the Expenses of Buildings, House Rent, and all other Contingencies, shall be defrayed out of the Funds of the Corporation.

Powers of Directors.

All Expenses to be paid out of the Corporate Funds.

VIII. And be it further enacted, That not less than Five Directors shall constitute a Board for the Transaction of Business, of which the President shall always be One, except in case of Sickness or necessary Absence, in which Case the Directors present may choose One of their Board as Chairman for the Time being; that the President shall vote at the Board as a Director, and in case there be an equal Number of Votes for and against any Question before them, the President shall have a casting Vote.

How Board for transacting Business to be constituted.

President to have a casting Vote.

IX.

No Director to
have a Salary.

IX. And be it further enacted, That no Director shall be entitled to any Salary or Emolument for his Services; but that the Directors of said Corporation for the Time being may make such Compensation to the President as to them shall appear reasonable and proper.

Compensation
to the President.

Qualification of
Directors.

X. And be it further enacted, That no Person shall be eligible as a Director unless such Person is a Stockholder, and holds not less than Fifty Shares of the Capital Stock of the said Corporation.

Each Share to
be entitled to
a Vote.

XI. And be it further enacted, That the Number of Votes to which each Stockholder shall be entitled, on every Occasion when in conformity to the Provisions of this Act the Votes of the Stockholders are to be given, shall be One Vote for each Share in the Capital or Stock aforesaid; and that every Stockholder may vote by Proxy, provided such Proxy be a Stockholder, and, previous to voting, produce a sufficient Authority from his Constituent or Constituents so to act.

Votes by Proxy.

How Directors
to be chosen
when not chosen
at the annual
Meeting.

XII. And be it further enacted, That if it should so happen that the Directors should not be chosen on the First Monday in March in any Year as aforesaid, it shall and may be lawful to choose them on any other Day between the Hours of Twelve at Noon and Three in the Afternoon of said Day, upon giving Fourteen Days' Notice of the Time and Place of Meeting, which shall take place in the City of Saint John; and in case any Director should disqualify himself by the Sale, Disposal or Transfer of his Shares, or of any of them, so as to reduce his Interest in the said Stock to less than Fifty Shares, required for the Qualification of a Director, or in case of the Removal of a Director by the Stockholders for Misconduct or Maleadministration, his Place shall be filled up by the said Stockholders, Fourteen Days' Notice of the Time and Place of Meeting being First given; and in case of any

Vacancies by
selling out;

Vacancy

Vacancy among the said Directors by Death, Resignation, or Absence from the Province for Three Months, the said Directors shall or may fill up the same by choosing One of the said Stockholders; and the Person so chosen by the said Stockholders or Directors shall serve until another be chosen in his Room.

by Death, Resignation or Absence.

XIII. And be it further enacted, That as soon as the said First Instalment of Ten thousand Pounds shall have been actually paid in Manner and Form as is herein before provided, on Account of the Subscriptions to the said Stock, Notice thereof shall be given in One or more of the Newspapers published in this Province, and the Directors shall commence with the Business and Operations of the said Corporation: Provided always, that no Insurance shall be effected nor shall any Policy be signed in Manner as herein after provided, until the Sum of Ten Thousand Pounds shall be actually paid in and received on Account of the Subscriptions to the Capital or Stock of the said Corporation.

Upon Payment of the First Instalment, Notice to be given, and the Business to be commenced.

XIV. And be it further enacted, That the said Company and Corporation shall have Power and Authority to make Insurances on Houses, Buildings, Ships or other Vessels on the Stocks or in Port, Merchandize, Monies, Goods, Wares and Effects, against Loss or Damage by Fire, and to fix the Premium and Terms of Payment; and all Policies of Insurance by them made shall be subscribed by the President, or in case of his Death, Absence, Sickness or Inability, by any Two of the Directors, and countersigned by the Secretary of the said Corporation, and shall be binding and obligatory upon the said Corporation and Company; and that all Losses duly arising under any Policy so subscribed and countersigned shall and may be adjusted and settled by the Board of Directors, and the same shall be binding on the said Company and Corporation,

Corporation empowered to insure on Houses, &c.

How Policies to be signed.

Losses to be settled by the Directors.

and

and shall be paid to the assured within Ninety Days from such Adjustment : Provided always, that the said Directors shall not in any Case make Insurance on any single Building, or Goods contained therein, to an Amount exceeding Three thousand Pounds.

One Insurance not to exceed Three thousand Pounds.

Directors to make half yearly Dividends.

XV. And be it further enacted, That it shall be the Duty of the Directors of the said Corporation, or a Quorum thereof, to 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 or a Quorum thereof shall appoint, of which they shall give Thirty Days' previous Notice in One or more of the Newspapers published in this Province ; Provided always, that the Monies received for Premium of Risks, which shall be undetermined and outstanding at the Time of making such Dividends, shall not be considered as Part of the said Profits of the said Company ; and provided further, that if the Amount of Capital or Stock paid as by the Act is required, shall be by any Means reduced to a Sum less than Ten thousand Pounds, then and in such Case no Dividend or or Dividends whatsoever shall be declared or made, until a Sum equal to the said Sum of Ten thousand Pounds shall be vested for the Use of the said Company.

Capital being reduced to less than Ten thousand Pounds, no Dividend to be made.

Corporation not to deal in buying or selling Goods, &c. or in Banking Operations.

XVI. And be it further enacted, That the said Company or Corporation shall not directly or indirectly deal or trade in buying or selling Gold and Silver Coins or Bullion, or Bills of Exchange or other negotiable Instruments, or any Goods, Wares, Merchandize or Commodities whatsoever, or deal in the lending of Money, or in Bills of Exchange or other negotiable Instruments, by way of Discount or otherwise, or engage in any Banking Operations whatsoever ; and the Capital or Stock of the Company collected at each Instalment, and at the Times and in the

the Manner herein before provided, shall be by the said Directors invested and disposed of in such Public Funds, or to such Public or Corporate Bodies or Associations, as may be deemed advisable.

Capital to be invested.

XVII. 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, and real Estate, and Rents, to any Amount not 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, or for the Security of the Payment of the Amount of such Part of the Capital or Stock of the said Corporation that shall at any Time or Times remain unpaid: Provided further, that the said Corporation shall on no Account lend Money upon Mortgage, or upon Lands or other real Property, nor take or hold any Lands or real Property in Security for the Payment of Money, unless by way of additional Security for Debts contracted with the said Corporation in the Course of its lawful Dealings, or for the Payment of such Part or Parts of its Capital or Stock as may from Time to Time remain unpaid as aforesaid.

Corporation may hold real Estate not exceeding Three thousand Pounds.

May take Mortgages to any Amount as collateral Security.

Not to lend Money upon Mortgages, &c.

XVIII. And be it further enacted, That the Shares, Capital or Stock of the said Company shall be assignable or transferable according to such Rules and Regulations as may by the Directors 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

Shares to be assignable.

making the same shall previously discharge all Debts actually due and payable by him, her or them to the said Corporation; and in no Case shall any fractional Part of a Share be assignable or transferable; and that whensoever any Stockholder shall transfer in Manner aforesaid all his or her Stock or Shares in the said Corporation to any other Person or Persons whatsoever, such Person shall cease to be a Member of the said Corporation, and the Person or Persons so purchasing shall become a Member of the said Corporation in his or her Stead, and be entitled to all the Privileges as such.

No similar Company with a smaller Capital.

XIX. And be it further enacted, That no Fire Insurance Company shall hereafter be incorporated in this Province with a Capital less than that of this Company or Corporation.

Liability of the President and Directors in case of Losses equal to the Capital.

XX. And be it further enacted, That in case of any Loss or Losses taking place which shall be equal to the Amount of the Capital or Stock of the said Company, and the President and Directors after knowing of such Loss or Losses taking place shall make any further Policy of Insurance, they and their Estates jointly and severally shall be accountable for the Amount of any and every Loss which shall take place under such Policy or Policies so made.

Joint Stock only responsible for the Debts and Engagements.

XXI. And be it further enacted, That the Joint Stock or Property of the said Corporation shall be alone 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 or Members of the said Corporation, or against their Person or Persons, further than has been herein before provided; and that may be necessary to secure the faithful Application of the Funds of this Corporation.

XXII.

XXII. And be it further enacted, That the Bonds and other Securities, of what Nature or Kind soever, taken for the Payment of the Residue of the said Capital or Stock as is herein before directed, shall from Time to Time be renewed or changed, and other and further Security or Securities for the same be given, whenever and as often as the said Directors or any Quorum thereof shall require, and in case of any Refusal or Delay to renew or change any such Security or Securities, or to give or grant other and further Security or Securities therefor, to the Satisfaction of the said Directors or any Quorum thereof, within Thirty Days after Notice thereof given, then and in such Case it shall and may be lawful to and for the said Directors, or any Quorum thereof, to cause such Proceedings, both in Law and Equity, or either, as may be deemed requisite, to be taken for the Recovery of the Amounts of such several Security and Securities, or it shall and may be lawful to and for the said Directors or any Quorum thereof, if they shall think fit, to declare the Shares in the said Capital or Stock, for the Amount of the Residue of which such Security or Securities shall have been given, forfeited to the said Company, together with all Deposits, Instalments, Interests, Profits or Dividends thereto belonging or appertaining; and that such Stock so forfeited shall be sold by public Auction for and on account of the said Company, and the Purchaser or Purchasers thereof shall give such Security or Securities for the Payment of the Amounts due to the said Company on Account of such forfeited Shares at the Time of such Forfeiture as is herein before provided, and shall be likewise subject to all the Provisions of this Act; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Bonds for Residue of the Capital may be renewed;

In case of Refusal may be prosecuted;

or Shares forfeited.

XXIII. And be it further enacted, That the
Books,

Books, &c. to be open to the Inspection of the Directors.

Books, Papers, Correspondence, and all other Matters and Things belonging to the said Corporation, shall at all Times be subject to the Inspection of the Directors, or any of them; but no Stockholder, not a Director, shall inspect the Account of any Individual or Corporate Body with the said Company.

A Statement of the Affairs to be laid before the Stockholders at the annual Meeting.

XXIV. And be it further enacted, That the Directors shall, at the general Meeting to be holden on the First Monday in March in every Year, lay before the Stockholders, for their Information, an exact and particular Statement of the then State of the Affairs and Business of the said Company, agreeably to the several Regulations of this Act and such other Rules and Regulations as may by the said Directors be made by virtue hereof, so as the same may contain a true Account of the Whole of the Affairs of the said Company; which Statement shall be signed by the Directors and attested by the Secretary; and a Duplicate thereof, in like Manner signed and attested, shall be transmitted to the Secretary of the the Province for the Information 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.

Duplicate for the Governor and Council.

Committee of the Legislature to have Access to the Books.

XXV. 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 Accounts of the same.

Calling of general Meetings.

XXVI. And be it further enacted, That any Number of Stockholders, not less than Twenty, who

who together shall be Proprietors of One thousand 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' Notice in Two of the Newspapers published in this Province, and specifying in such Notice the Time and Place of such Meeting with the Objects thereof; and the Directors or any Five of them shall have the like Power at any Time (upon observing the like Formalities) to call a general Meeting as aforesaid.

XXVII. And be it further enacted, That any Number of Stockholders, not less than Fifty, who together shall be Proprietors of Three thousand five hundred Shares, shall have the Power at any Time, by themselves or their Proxies, to call a general Meeting of the Stockholders for the Purpose of taking into Consideration the dissolving of the said Company, giving at least Three Months' previous Notice in One or more of the Newspapers published in this Province, and specifying in such Notice the Time and Place of such Meeting with the Objects thereof; and should it be agreed upon at such Meeting that the said Company or Corporation should be dissolved, such Stockholders are hereby authorized and empowered to take all legal and necessary Means and Ways to dissolve the said Company; and upon such or any other Dissolution of the said Company, the Directors then in Office shall take immediate and effectual Measures 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.

XXVIII. 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

T

Lord

How general Meeting to consider a Dissolution of the Company to be called.

If a Dissolution be agreed on, Directors to take Measures for closing the Concerns.

Limitation:

Lord One thousand eight hundred and fifty one.

CAP. XL.

An Act to make more effectual Provision for preventing the Importation and Spreading of infectious Distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland.

Passed 31st March 1831.

Preamble.

‘ **W**HEREAS from the great Augmentation of the Population of the Town of Saint Andrews and other Towns in the County of Charlotte, and also of the Towns of Newcastle and Chatham and other Towns or Villages on the Miramichi River, it has become expedient for the Safety of the Inhabitants to make more effectual Regulations for preventing the Importation of infectious Distempers in those Districts than are already by Law provided :’

3 Geo. 4. c. 21.

I. Be it therefore enacted by the President, Council, and Assembly, That an Act made and passed in the Eighth Year of the Reign of His late Majesty George the Fourth, intituled *An Act to make more effectual Provision for preventing the Importation or Spreading of infectious Distempers within the Towns or Settlements on the River Miramichi*; and also an Act made and passed in the Ninth and Tenth Years of the Reign of His late Majesty George the Fourth, intituled *An Act in Addition to an Act, intituled An Act to make more effectual Provision for preventing the Importation or Spreading of infectious Distempers within the Towns or Settlements on the River Miramichi*, be and the same are hereby repealed.

9 and 10 Geo.
4. c. 20,

repealed.

Vessels herein described not to come within such Distance in the Counties of Charlotte and Northumberland as shall be ap-

II. And be it further enacted, That no Vessel having on board the Small Pox, Yellow Fever, Putrid Bilious Fever, or other pestilential or contagious Distemper, or coming from any Place infected with such Distempers, or at which any such

such Distempers at the Time of her Departure were known or supposed to prevail, or on board of which Vessel any Person during the Voyage had died, or been sick of any such Distemper, shall come, proceed or be navigated further from the Sea into the Bay of Passamaquoddy or towards any Port or Place in the County of Charlotte, or further from the Sea into the River Miramichi, than such Place or Places as the Justices of the Peace for the Counties of Charlotte and Northumberland at their General Sessions of the Peace, or at any Special Sessions to be for that Purpose convened, shall in said Counties respectively order and appoint, until such Vessel shall have been duly inspected and examined by the Physician or Physicians to be for that Purpose, as herein after mentioned, appointed, and shall have received a Licence for that Purpose from Two of His Majesty's Justices of the Peace; and in case such Licence shall be denied, and it shall be judged expedient by the Justices of the Peace of the said Counties respectively, or by any Two of them, that such Vessel with her Cargo and all Persons on board shall ride or perform Quarantine, then the Master or Commander of such Vessel for the Time being shall forthwith cause such Vessel, with all the Persons, Goods and Cargo on board thereof, to be removed to and anchor at such Place, and for such length of Time (not exceeding Forty Days), as the said Justices or any Two of them in either County shall direct or appoint; and during the Time such Vessel shall be performing such Quarantine, the Master or Commander thereof shall not permit any Intercourse between the Persons on board such Vessel and the Shore or Shores, or between such Vessel and any other Vessel in the said Harbour or Harbours, except under the Direction of the said Physician or Physicians; and the Master or Commander

pointed, until inspected and licensed.

If Licence be denied, the Justices may order Vessel to perform Quarantine.

Regulations for Vessels at Quarantine.

of

of any such Vessel, and all and every other Person or Persons belonging to and being on board such Vessel, who shall disobey any such Orders and Directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on Shore or go on board of any other Vessel within the said Harbour or Harbours, or shall presume to bring or put, or aid or assist in bringing or putting on Shore or on board any other Vessel as aforesaid, any Person or any Goods from any such Vessel so having come to Anchor, or which shall be ordered to perform Quarantine as aforesaid, without the Licence or Permission of the said Physician or Physicians being for that Purpose First obtained, shall for each and every Offence severally forfeit and pay a Sum not less than Fifty Pounds nor more than Two hundred Pounds current Money of this Province.

Penalty.

Described Vessels to hoist a Signal on Arrival at specified Places in the respective Counties.

III. And be it further enacted, That the Master or Commander of every Vessel having on board the Small Pox, Yellow Fever, Putrid Bilious Fever, or any other pestilential or contagious Distemper, or coming from any Place infected with such Distemper or Distempers, or at which any such Distempers at the Time of her Departure were known or supposed to prevail, or on board of which Vessel any Person during the Voyage had died or been sick of any such Distemper, shall immediately after her Arrival at such Place or Places as shall be appointed as aforesaid by the Justices of the Peace of the County of Charlotte in General or Special Sessions convened, or after her Arrival at or within Fox Island in the Bay of Miramichi, in the said County of Northumberland, 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 Signals so hoisted until a Licence be had
to

to remove the same, from the said Justices or any Two of them for the said Counties respectively, under the Penalty of Twenty Pounds for each and every Offence. Penalty.

IV. And be it further enacted, That the several Branch Pilots in the aforesaid Counties of Charlotte and Northumberland respectively, shall be furnished with printed or written Instructions containing such Memorandum or Abstract of the Provisions of this Act, and of the Regulations to be made in pursuance thereof, as the said Justices of the Peace of the said Counties respectively at any General or Special Sessions may direct ; and such Instructions shall in all Cases contain a Notice to the following Effect, 'That the Master or Commander of any such Vessel, shall not put on Shore, or on board any other Vessel, or suffer any other Person to go or put on Shore or on board any other Vessel, any Person or Goods out of the said Vessel until such Vessel shall have been inspected by the Physician or Physicians and his or their Licence for that Purpose obtained, under the Penalty of not less than Fifty Pounds nor more than Two hundred Pounds, and further, that the said Master or Commander shall cause the said Vessel's Ensign or such other Colours as shall be on board to be hoisted half-mast (if the Ensign with the Union down), and shall continue the same so hoisted until Leave be granted by Two Justices of the Peace to remove the same, under the Penalty of Twenty Pounds ;' and it shall be the Duty of the said Pilots respectively, or first boarding any Vessel coming into the said Bay of Passamaquoddy or any Port or Place in the County of Charlotte, or into the said River Miramichi, to read such Notice to the Master or Commander of such Vessel, or to communicate to him the Purport and Effect of such Notice ; and any Branch Pilot who shall neglect his Duty in this Respect shall

Instructions to be furnished to the Branch Pilots.

To be read or Purport communicated to Masters of Vessels.

Penalty.

shall for the First Offence forfeit and pay the Sum of Ten Pounds, and for the Second Offence, in Addition to the further Penalty of Ten Pounds, be prevented forever after from holding a Branch.

Persons landed or attempting to land may be forced back.

V. And be it further enacted, That if any Person or Persons shall be found to have been landed, or attempting to land, from any such Vessel so coming from any infected Place as aforesaid, or having any Person on board so infected as aforesaid, it shall and may be lawful for any Justice of the Peace in such Counties respectively, by Warrant under his Hand and Seal directed to any Constable of said County, to cause such Person to be taken and reconveyed on board such Vessel; and the said Constable having such Warrant is hereby authorized and empowered to command the necessary Assistance to enable him to force back and convey on board the said Vessel any and all Persons so landed or attempting to land as aforesaid; and that it shall be lawful for the Persons so called upon by the said Constable or Officer to assist or use such Force as may be necessary to carry the said Order into Effect, by forcing such Persons landed or attempting to land back to and on board such Vessel; and the Master or Person having Command or Charge of such Vessel from which such Persons shall have landed or attempted to land, shall, on Request of the Constable or Officer having the the Execution of such Warrant, receive, take and detain on board his said Vessel such Person or Persons, under the Penalty of Fifty Pounds for each and every Person that he shall refuse to receive, or neglect to detain and keep on board after being so returned.

Master of the Vessel to receive and detain such Persons.

Penalty.

Justices in Sessions to appoint Physicians to inspect Vessels &c.

VI. And be it further enacted, That the Justices of the Peace in the said Counties respectively, in General or Special Sessions convened, or the Major Part of them, be and they are hereby authorized and required to nominate and appoint

point by Warrant under their Hands and Seals 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 for having on board the said Small Pox, Yellow Fever, Putrid Bilious Fever, or other pestilential or contagious Distemper, and who are required, at the Instance of the said Justices or any One of them, to go on board such suspected Vessel or Vessels, and make full Inquiry and 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 anywise 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 or Physicians are hereby respectively fully authorized and empowered, on going on board of any Vessel or Vessels as aforesaid, to examine the Master, and such other Persons on board said Vessel or Vessels as he or they may think necessary, on Oath, as to the Health of all Persons on board or who have been on board during any Part of the Voyage, and into and concerning all Circumstances and Matters in anywise touching or concerning the Prevalence of any of the said Distempers at any Place where the said Vessel may have touched or from which she may have sailed ; which Oath the said Health Officers respectively are hereby fully authorized and empowered to administer ; and the said Physician or Physicians performing such Duty shall make Report, in Writing, to the said Justices or any One of them so requesting him or them to go on board and make Examination as aforesaid,

Physician empowered to make Inquiry on Oath, as to the Health of all Persons on board &c.

Physician to report to the Justices.

Fee for visiting.

aforesaid, of the Result of such Examination and Inquiry, with his or their Opinion and Advice thereon; and shall for each and every Visit so made be entitled to demand and receive from the said Master or Owner the Sum of Thirty Shillings, to be sued for and recovered as is herein after directed.

Persons may be landed from Vessels performing Quarantine, and carried back.

VII. And be it further enacted, That during the Time any Vessel shall be ordered to perform Quarantine as aforesaid, it shall and may be lawful for the Justices of the Peace for the said Counties respectively, in their General Sessions, or at any Special Sessions to be for that Purpose holden, there being not less than Three such Justices present, to authorize and order the landing of either the healthy or the diseased Persons from on board such Vessel at such Lazaretto or Place detached from the settled Part of the County, and under such Restrictions as they may think expedient and necessary, in order to facilitate the Recovery of those infected and to prevent and guard as much as possible against the spreading of the Disease among the Passengers and Crew, and after such landing, at any Time before the said Vessel shall be discharged from Quarantine, by like Order of General or Special Sessions, cause any or all Persons so landed to be again taken on board such Vessel and detained on board said Vessel for such Time as they may think necessary, or until the said Vessel shall be discharged from Quarantine; and, subject always to such Order of the General or Special Sessions as aforesaid, the Persons so landed as aforesaid shall remain at such Place or Places as shall be appointed therefor until they are restored to Health, their Clothes thoroughly cleansed under the Direction of the said Physician or Physicians, and his or their Certificate be obtained that they may proceed into the said Town, Towns, Villages or Country without Danger to the

Persons landed to remain at the Place assigned until restored to Health, &c.

the Inhabitants thereof; and the said Vessel from which the said Passengers shall be so landed, shall be thoroughly cleansed and purified under the Directions of the said Physician or Physicians, and when so cleansed and purified the said Physician or Physicians shall report the same to the said Justice or Justices, and any Two of the said Justices shall upon such Report give a Licence under their Hands and Seals for the said Vessel to depart from such Quarantine as aforesaid.

Vessel to be purified under the Direction of the Physician, and discharged from Quarantine by Order of the Justices.

VIII. And be it further enacted, That if any Person after being landed or permitted to land from such Vessel, shall escape or depart from the Lazaretto or Limits assigned by the Justices, such Person so offending shall forfeit and pay the Sum of not exceeding Twenty Pounds, and be liable to be arrested and forced back to the Limits assigned as aforesaid, or to the Vessel from which he or she was permitted to land, as the Justice or Justices shall order or direct, and there be kept in close Confinement at the Discretion of any Two of such Justices.

Persons departing from the Lazaretto, &c.

Penalty.

Punishment.

IX. And be it further enacted, That if any Passenger or other Person whatsoever, such Physician or Physicians as aforesaid excepted, being on board any Vessel having on board the before recited or other pestilential or contagious Distempers, or coming from any Place infected with such Distemper, shall land from such Vessel, or shall leave the said Vessel and approach within Eighty Rods of the Shore, without Licence First had and obtained from the Justices according to the true Intent and Meaning of this Act, each and every Passenger or other Person so offending shall forfeit and pay for every Offence a Sum not less than Five Pounds nor more than Ten Pounds.

Landing or approaching within Eighty Rods of the Shore without Licence.

Penalty.

X. And be it further enacted, That if any Passenger or Person who shall have landed from
any

Persons attacked with any infectious Distemper after being land-

ed, may be removed to the Lazaretto, &c.

any Vessel so coming from any infected Place as aforesaid, and who shall have obtained Licence to land as aforesaid, shall after landing be attacked by such infectious Distemper or Disease, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal as aforesaid directed, to cause such Person to be removed to the Lazaretto or other Place appointed as aforesaid, and there kept and detained for such Time as may be found necessary to prevent the spreading of such Distemper or Disease.

On Oath being made that any Person has escaped and is concealed in any Building, or believed to be so, any Justice may issue a Search Warrant.

XI. And be it further enacted, That if at any Time it shall be made to appear to the Satisfaction of any Justice of the Peace, on Oath, that any Person has escaped from any such Vessel, or from the Lazaretto, or Limits assigned or to be assigned as aforesaid, and is kept or concealed in any House or other Building within the said Counties respectively, or if Oath be made by some credible Person or Persons that there is good Reason to suspect, and that such Person or Persons do verily believe, that any Person so escaping as aforesaid is so kept or concealed, it shall and may be lawful for such Justice to issue his Warrant to any of the Constables of such County, authorizing and requiring him or them to enter and search such House or other Building, and if such Person so escaping as aforesaid shall be found therein, to arrest, take and convey him or her on board of such Vessel or to the Lazaretto or Limits or Place appointed or assigned as aforesaid for such Person to be kept in.

Aiding Persons to land or escape, or concealing them.

XII. And be it further enacted, That if any Person whatsoever shall aid, assist, or procure any Person to aid, abet or assist, any Person in landing from such Vessel, or in escaping from such Lazaretto or other Place to be so appointed as aforesaid, previous to a Licence for that Purpose obtained as aforesaid, or shall keep secret or conceal, or shall procure any Person to keep

secret

secret or conceal, any such Person landing or leaving as aforesaid, or in any Manner assist in preventing the Detection and Apprehension of such Person so landing without a Licence as aforesaid, every such Person so offending shall for every such Offence forfeit and pay a Sum not less than Five Pounds nor more than Twenty Pounds. Penalty.

XIII. And be it further enacted, That if any Person who shall be commanded by any Constable or Officer having a Warrant from any Justice of the Peace as aforesaid for the Enforcement of the Quarantine, or compelling the Return of Persons who have landed or shall be attempting to land without Licence as aforesaid; shall refuse or neglect to render or afford such Assistance, shall for every Offence forfeit and pay a Sum not less than Two Pounds nor more than Five Pounds; and that in case of any Action of Trespass or other Prosecution or Suit whatsoever being brought or prosecuted against the said Constable, or any Person aiding and assisting, for any Arrest, Assault or Violence, or Force necessarily used towards Persons so landing or attempting to land, or having escaped from such Vessel or Place appointed as aforesaid, the Defendant or Defendants in such Action shall be allowed to plead the General Issue, and give the special Matter in Evidence at the Trial in like Manner as if such Matter had been fully and specially pleaded; and if the Plaintiff shall become nonsuit, or shall discontinue the Action, or if upon Verdict or Demurrer Judgment shall be given against the Plaintiff, the Defendant shall recover Double Costs of Suit; and have such Remedy for the same as any Defendant can have in other Cases where Costs are given by Law. Penalty.

XIV. And be it further enacted, That in all Cases where a Pilot shall be detained on board of any Ship or Vessel, under and by virtue of Refusing to assist Officers having a Warrant to enforce the Quarantine.
In Actions for Arrest or Force used under this Act, Defendant may plead the General Issue &c.
Pay of Pilots detained on board any Vessel under this Act.

this

this Act, each and every Pilot so detained shall be entitled to receive from the Master or Owner of such Ship or Vessel (in Addition to the Pilotage Money) a Sum at and after the Rate of Twelve Shillings and Sixpence per Day for each and every Day he shall be so detained, to be sued for and recovered as is herein after directed.

Masters of Vessels to permit Physicians to come on board, and to give a true Relation touching the Distempers.

XV. 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 the Small Pox or 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 said Vessel during the said Voyage, shall permit such Physician or Physicians at all reasonable Times to come on board and make the Inquiry and Examination aforesaid, and make and give to him a true and full Discovery and Relation of all the Matters, Things and Circumstances aforesaid; and if any such Master or Commander shall refuse or neglect to make such full and true Discovery and Relation as aforesaid, or shall suppress, conceal or deny the Truth in any Particular relating thereunto, he shall forfeit and pay for each and every Offence a Sum not under Fifty Pounds nor more than Two hundred Pounds.

Penalty.

Going on board of Vessels having the Signal hoisted.

XVI. And be it further enacted, That no Person or Persons whosoever, other than the Physician or Physicians appointed as aforesaid, shall go on board any Vessel so arriving as aforesaid which shall have such Signal so hoisted as aforesaid, or which having come to Anchor shall continue to have such Signal so hoisted as aforesaid, under the Penalty of Ten Pounds for each and every Offence; and if any Person or Persons, other than the Physician or Physicians aforesaid,

[Penalty.]

foresaid, shall go on board any such Ship or Vessel, then and in such Case the Master or Commander of such Vessel for the Time being is hereby authorized and required to keep and detain such Person or Persons on board the said Vessel, until such Licence as aforesaid be given, or until the Expiration of such Time as shall be directed and appointed for the said Vessel to perform Quarantine as aforesaid; and if any such Person or Persons so having unlawfully gone on board any such Vessel as aforesaid, shall go on Shore or depart from the said Vessel before such Licence as aforesaid shall be given, or before the Expiration of the Time appointed for the said Vessel to perform Quarantine, or Permission be given for him or them to depart as aforesaid, then and in such Case every such Persons or Persons so offending as aforesaid, and the Master or Commander of any such Vessel so permitting such Person or Persons to go on Shore or to depart from the said Vessel, and every other Person aiding and assisting therein, shall for each and every Offence severally forfeit and pay a Sum not less than Five Pounds nor more than Fifty Pounds; and it shall and may be lawful for any One of His Majesty's Justices of the Peace to order such Person or Persons to be taken back, in Manner directed in the Fifth Section of this Act, to such Vessel, or to such other Place as the said Justices of the Peace for the said respective Counties at any General or Special Sessions may have appointed for the Reception of Persons under such Circumstances; and the Provisions and Penalties contained in the said Fifth Section shall apply to Cases arising under this Section, in like Manner as if herein expressly contained.

XVII. And be it further enacted, That the several and respective Penalties and Forfeitures in this Act mentioned, may be prosecuted, sued for and recovered by Action of Debt in the Supreme

Such Persons to be detained.

Departing from the Vessel after having unlawfully gone on board.

[Penalty.]

Such Persons may be carried back &c.

Mode of Recovering Penalties.

preme Court, or in the Inferior Court of Common Pleas for the said respective Counties, or may be prosecuted, sued for and recovered in a Summary Way before any Three Justices of the Peace for the said respective Counties, of whom One at least shall always be a Judge of the Inferior Court of Common Pleas, by any Person who shall prosecute for the same within Two Months after the Commission of the Offence, and when recovered shall be paid to the Treasurer of the County in which the Offence was committed for the Use of the County ; or any Person may be prosecuted for any Offence under this Act, either before or after the Expiration of the said Period of Two Months, by Indictment before any Court of Oyer and Terminer or General Sessions of the Peace for the said respective Counties, and upon Conviction thereof before such Court shall be liable to the Penalty and Forfeiture in this Act allotted to the Offence, to be paid in like Manner to the Treasurer of the County for the Use of the County : Provided always that in case of Summary Proceedings before Three Justices of the Peace as aforesaid, for any Offence in which the greater Limit of the Penalty shall exceed Ten Pounds, the Party charged shall, if he require it, be tried by a Jury of Twelve Men ; and in such Case it shall be lawful for the said Justices to issue a Precept under their Hands and Seals commanding the Sheriff to return a Jury for the Trial of such Offence ; and the Men summoned to serve on such Jury, being so summoned Three Days before the Day of Appearance, shall be bound to attend and serve on such Jury, under the like Penalties for Default as if summoned to serve as Jurors at the General Sessions of the Peace.

[Application.]

Prov^o so as to
Juries in Sum-
mary Proceed-
ings.

Persons charged
with Offences
against this Act
may be arrested,
bound to appear

XVIII. And be it further enacted, That it shall and may be lawful for any Judge of the Supreme Court, or of the Inferior Court of Common Pleas

Pleas for the said respective Counties, upon Affidavit made of the Commission of any Offence under this Act, to issue a Warrant under his Hand and Seal for the Apprehension and Arrest of the Person charged with such Offence, and to bind such Person by Recognizance, with good and sufficient Sureties, to appear and take his Trial before the Court or Tribunal at which the Trial is intended to be, and, in Default of Bail being so given, to commit the Person charged to Prison to await his Trial : Provided always, that in case the Physician or Physicians herein before mentioned should deem it dangerous, from the Fear of spreading any such infectious Distemper, that any such Person should be committed to the County Gaol, it shall and may be lawful for such Judge of the Supreme Court, or Inferior Court of Common Pleas as aforesaid, to commit such Person to any Place of Confinement that may be appointed for that Purpose by any General or Special Sessions of the Peace as aforesaid in the said respective Counties, to be there kept in Confinement until the Time of Trial.

and take Trial, or, in Default of Bail, be committed to Gaol.

Proviso.

XIX. And be it further enacted, That the several and respective Penalties and Forfeitures herein before mentioned, together with Costs of Prosecution (unless in Cases where sued for by Action of Debt as aforesaid), shall and may be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Offender ; and if there shall not be sufficient Goods and Chattels whereon to levy the same, the Offender may be committed to the common Gaol, or, in case of Danger of spreading Infection as in the last foregoing Section mentioned, to such Place of Confinement as is therein mentioned, there to remain without Bail or Mainprize for any Term not exceeding the Term of Twenty Days for every Five Pounds of which the Penalty may consist : Provided

Mode of levying Penalties.

vided always, that if the Master or Commander of any Ship or Vessel be the Offender, and have not sufficient Goods and Chattels of his own whereon to levy the Penalty and Costs as aforesaid, such Penalty and Costs shall and may be levied on the Boats, Tackle and Apparel of such Ship or Vessel.

Limitation.

XX. And be it further enacted, That this Act shall continue and remain in Force until the First Day of January which will be in the Year of our Lord One thousand eight hundred and thirty seven.

CAP. XLI.

An Act to authorize the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Kingston, to convey their Right to the Land whereon the Court House has been erected to the Justices of the Peace of King's County, in Exchange for other Land; and to establish a public Square in the said Parish.

Passed 31st March 1831.

Preamble.

WHEREAS the legal Title to the Land on which the Court House of King's County has been erected, is claimed by the Rector, Church Wardens and Vestry of the Parish of Kingston as vested in them; but they are nevertheless desirous and willing to convey the same to the Justices of the Peace in and for the said County, and their Successors, upon the said Justices' conveying to the said Rector, Church Wardens and Vestry a certain other Piece of Land situate in the said Parish of Kingston; both of which said Parcels of Land are herein after described:

Corporation of Trinity Church, Kingston, on Receipt of a good Title to a Tract of Land herein described, may convey to the Jus-

I. Be it therefore enacted by the President, Council, and Assembly, That upon the Receipt of a good and sufficient Title, Conveyance and Assurance—from the said Justices of the Peace of King's County—of all that certain Lot, Piece or Parcel of Land situate in the Parish

of

of Kingston, being Part of a Tract heretofore granted to the Justices of the Peace of King's County aforesaid, by Letters Patent under the Great Seal of the Province of New-Brunswick, bearing Date the Thirtieth Day of October in the Year of our Lord One thousand eight hundred and seven, in Trust for the Use, Benefit and Behoof of the Inhabitants of the said County, to erect thereon a Gaol and Court House, and for other public Uses, Profits and Benefits of the said Inhabitants; the said Piece so intended to be conveyed being bounded as follows, viz: Commencing at the Southern Angle of the said Tract, thence running North Forty five Degrees East, Sixteen Chains to the Eastern Angle of the said Tract, thence along the Division Line between the said Tract and the Kingston Glebe Lot, Eight Rods, thence South Forty five Degrees West, on a Line parallel to the First described Boundary, till it meets the Southwest Line of the said Tract, and thence following the said last mentioned Line to the Place of beginning; containing Three Acres; with all the Rights, Members, and Appurtenances thereunto belonging—to be made to the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and their Successors forever—they, the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, be and they are hereby authorized and empowered, by good and sufficient Deed, to grant, bargain, sell and convey, unto the said Justices of the Peace in and for King's County, all that certain Lot, Piece or Parcel of Land situate in the said Parish of Kingston, bounded and described as follows: that is to say, The Front or Northerly Line of the said Lot to be Twelve Feet distant from and parallel to the Front of the said Court House, and to extend the whole Width of the said Court House and Four-

tees of the Peace of King's County a Tract of Land also herein described.

teen Feet beyond on each Side, so as to make a Front of Eighty eight Feet, and the said Lot to extend back, preserving the same Width of Eighty eight Feet, until it meets the Line of Land belonging to George Raymond and Achsah Raymond, the Side Lines to be at Right Angles with the said Front Line; together with the Rights, Members and Appurtenances thereunto belonging; to hold to the Justices of the Peace of King's County for the Time being, in Trust for the Use, Benefit and Behoof of the Inhabitants of the said County, for the Purpose of erecting, maintaining and keeping thereon the Court House of the said County from henceforth forever, and for no other Use or Purpose.

Justices in Session authorized to make the Conveyance to the Corporation of Trinity Church.

II. And be it further enacted, That the Justices of the Peace of the said County, shall be and they are hereby authorized and empowered, at any Court of General Sessions of the Peace for the said County, by good and sufficient Deed under the Seal of the said Court, to grant, bargain, sell and convey, unto the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and their Successors forever, the said Lot, Piece or Parcel of Land First herein before described, being Part of the said Tract so granted to them for public Purposes as aforesaid, and held by them by virtue of the said Grant, and the Act of Assembly in such Case made and provided.

‘ III. And Whereas all that Parcel of Land
 ‘ lying in Front of the said Court House in the
 ‘ said Parish of Kingston, bounded Northerly
 ‘ by the Church Yard of Trinity Church, Easterly
 ‘ by the Highway, and Westerly by the Land
 ‘ of the said Reverend Elias Scovil and George
 ‘ Raymond, has for many Years past been used
 ‘ by the Inhabitants of the said County as a public
 ‘ and open Square; and it is the Desire of the
 ‘ said Rector, Church Wardens and Vestry of
 ‘ Trinity

Trinity Church in the Parish of Kingston, and the said Justices of the Peace of King's County, that the same open Space, and also the Land adjoining thereto, belonging to the said Rector, Church Wardens and Vestry, on each Side of the Lot so intended to be conveyed to the Justices of the Peace for the Purpose aforesaid, should be recognized and established by Law as a Public Square; Be it therefore further enacted, That the said open Space above described, together with the Land adjoining thereto and extending therefrom to the Line of Messieurs Raymonds' Land, lying on each Side of the said Court House Lot, and bounded Westerly by the Land of the Reverend Elias Scovil and George Raymond, and Easterly by the public Road or Highway, shall forever hereafter continue and be a public and open Square; and that it shall not be lawful to erect or place any Buildings or Incumbrances thereon; and that all or any Buildings or Incumbrances erected or placed thereupon, shall be deemed and taken to be public Nuisances, in the same Manner, to all Intents and Purposes, as if the same were placed on any public Road or Highway in the said Parish.

Described Tract of Land to be forever hereafter a public and open Square.

Buildings and Incumbrances thereon deemed Nuisances.

IV. Provided also, and be it further enacted, That nothing in this Act contained shall take away or affect, or be construed to take away or affect, the Right and Title of the King's Majesty, His Heirs and Successors, or the Rights of any Person or Persons, Body Politic or Corporate, whatsoever, other than the said Rector, Church Wardens and Vestry of Trinity Church in the Parish of Kingston, and the said Justices of the Peace of the said County in Behalf of the Inhabitants of the said County, as before particularly set forth.

Rights reserved

V. And be it further enacted, That this Act shall be deemed and taken to be a public Act, and as such judicially noticed without being specially set forth or pleaded.

Act to be deemed public.

CAP. XLII.

An Act to regulate Sales by public Auction.

Passed 31st March 1831.

Preamble.

WHEREAS by the present Law for regulating Sales by Auction much Doubt has arisen as to the Construction of several Clauses: And Whereas several other Parts or Clauses in the said Law, are deemed injurious and oppressive to the Auctioneer, as well as to the general Interest of Trade and Commerce in this Province:

9 and 10 Geo. 4.
c 17,repealed, saving
the Right of re-
covering Duties.Duty of Two
and a Half *per*
Cent. granted
on all Goods
&c. sold by
Auction.Except Teas
imported direct
from China.

I. Be it enacted by the President, Council, and Assembly, That from and after the Time limited and appointed for this Act going into Effect, the Act passed in the Ninth and Tenth Years of the Reign of His late Majesty George the Fourth, intituled *An Act for the better Regulation of Sales by Auction*, be and the same is hereby declared to be repealed; saving nevertheless the Right of Recovery of all the Duties and Penalties which are now due, or may hereafter become due, under and by virtue of the said Act.

II. And be it further enacted, That there be granted to the King's most Excellent Majesty, His Heirs and Successors, for the Use of this Province, and for the Support of the Government thereof, the Rate and Duty herein after mentioned on Goods sold by Auction or public Outcry; that is to say, On all Goods, Chattels, Wares, Merchandize and Effects whatsoever, sold by public Vendue, Auction or Outcry within this Province, the Sum of Two Pounds Ten Shillings for every Hundred Pounds in Value sold as aforesaid, and at and after the same Rate for every greater or lesser Sum; Provided always, that the Auction Duties imposed by this Section, shall not extend to any Teas imported direct from China.

III. And be it further enacted, That all
Goods,

Goods, Wares and Merchandize advertised or exhibited for public Sale by any Auctioneer or Vendue Master, shall be liable and subject to the Duty aforesaid if sold during or within Twelve Hours after the Commencement of such Sale: Provided always, and be it further enacted, that all Goods belonging to the Crown, or seized by any public Officer or Officers for or on account of any Forfeiture or Penalty, Houses, Cattle, Lands, Ships, Vessels, Salt, Coal, Household Effects, Agricultural Products, and Manufactures of this Province or Nova Scotia, Goods and Effects of deceased Persons, or Goods distrained for Rent, or taken in Execution, Effects of insolvent Debtors, 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.

Goods sold within Twelve Hours after the Commencement of the Sale to be liable to the Duty.

What Goods shall be exempted from Duty.

IV. And in order more effectually to secure 'the Duty hereby imposed as aforesaid;' Be it further enacted, That no Vendue Master or Auctioneer, already appointed or hereafter to be appointed, shall sell or dispose of any Goods, Chattels, Wares, Merchandize or Effects, by public Vendue, Auction or Outcry, until he or they shall have First given Bond to our Sovereign Lord the King, His Heirs and Successors, with Two good and sufficient Sureties, to be approved of by the Treasurer or Deputy Treasurer, as the Case may be, conditioned for the Payment of the Duties herein before mentioned, to the Treasurer of the Province for the Time being, or to his Deputy; such Bond, if within the City of Saint John, to be taken in the penal Sum of Five hundred Pounds, and if within any other Part of this Province, in the penal Sum of Two hundred Pounds.

Bonds with Sureties to be given by Auctioneers.

Amount.

V. Provided always, and be it further enacted, That

If the Sureties die, remove from the Province, &c. new Bonds to be given.

That should any Person or Persons so becoming Surety for any Vendue Master or Auctioneer die or remove from the Province, or become insolvent, or, in the Opinion of the Treasurer or Deputy Treasurer, as the Case may be, insufficient, it shall and may be lawful for such Treasurer or Deputy to require such Vendue Master or Auctioneer to enter into a new Bond with other good and sufficient Sureties, conditioned as aforesaid; and if such Vendue Master or Auctioneer shall refuse or neglect to give such Security, within One Month after being required so to do, he shall be deemed and taken to have forfeited his Licence or Appointment.

Auctioneers to render Accounts of Duties and pay over the Amount every Three Months.

VI. And be it further enacted, That every Auctioneer or Vendue Master shall, at or within Thirty Days after the Expiration of every Three Months, to be computed from the Time at which this Act goes into Operation, render a just and true Account in Writing, upon Oath, to the Treasurer of the Province for the Time being, or to the Deputy Treasurer of the District within which the Sales shall take place, of all and singular the Goods, Chattels, Wares and Merchandize, with the Amount thereof, which he or they may have sold within the Period for which such Account is rendered, and which are made subject and liable to Duty by this Act, and shall forthwith pay to the said Treasurer or Deputy Treasurer, as the Case may be, the full Amount of Duties on such Sales; the Oath required by this Act to be according to the Form set forth in the Schedule to this Act, or to that Effect; and if any Vendue Master or Auctioneer shall neglect or refuse to deliver such Account on Oath, and pay the Duties as herein directed, he shall for each and every Offence forfeit and pay the Sum of Fifty Pounds.

Penalty.

Penalty for selling by Auction without Li-

VII. And be it further enacted, That any Person or Persons who shall sell or dispose of any Lands,

Lands, Tenements, Ships, Vessels, Goods, Wares or Merchandize, by public Vendue, Auction or Outcry, without being First duly licensed and appointed, and without having First given Bond as directed by this Act, shall for each and every Offence forfeit and pay the Sum of One hundred Pounds: Provided always, that nothing herein contained shall extend or be construed to affect Sales made under the Process, Order or Decree of any Court of Justice, or by any public Officer, or by any Executor or Administrator of the Lands or Effects of the Testator or Intestate, or of any Property, real or personal, belonging to the Crown.

ence and giving Bond.

Proviso.

VIII. And be it further enacted, That the Penalties imposed by the Sixth and Seventh Sections of this Act, shall and may be recovered by Information to be made and filed by His Majesty's Attorney General in the Supreme Court of Judicature; and the said Penalties, after deducting the Costs and Charges of the Prosecution, shall be paid into the Treasury of the Province for the Use of the same.

Penalties how to be recovered and applied.

IX. And be it further enacted, That it shall be the Duty of the Treasurer of the Province, and the Deputy Treasurers within their respective Districts, to require the Returns and Accounts to be regularly made as directed by this Act, and to cause Proceedings to be instituted against such Vendue Master or Auctioneer as shall neglect or refuse to render the same.

Treasurer or Deputy to require Returns and Accounts, and to cause Proceedings to be instituted if refused.

X. And be it further enacted, That every Vendue Master or Auctioneer who may be licensed or appointed within any of the Counties of this Province, (the City of Saint John excepted,) shall pay to the Treasurer of the County, within Ten Days after the Beginning of every Year, such yearly Sum as the Justices of the Peace for the said County at any General Session of the Peace may direct and appoint, not exceeding Ten Pounds

Auctioneers (except in Saint John) to pay yearly such Sum, not exceeding Ten Pounds as the Justices shall direct.

Pounds *per Annum* ; the same to be applied in the like Manner as other County Rates ; and every Vendue Master or Auctioneer neglecting or refusing to pay the same, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered by the County Treasurer for the Time being in his own Name, by Action of Debt in any Court of competent Jurisdiction, together with the Costs of Suit ; and the same when recovered to be applied as above mentioned ; in which Action any Inhabitant of the County shall be considered a competent Witness.

Penalty.

Recovery.

Act not to interfere with the Charter Rights of Saint John.

Auctioneers in Saint John to give Bond and pay yearly a Sum not exceeding Thirty Pounds.

Distinct Accounts of the Duty to be kept.

Penalty for selling contraband Goods.

‘ XI. And Whereas, by the Charter of the City of Saint John, the Mayor of the said City for the Time being is authorized and empowered to license and appoint Vendue Masters and Auctioneers within the said City ;’ Be it further enacted, That nothing in this Act contained shall extend or be construed to interfere with the Rights so granted as aforesaid ; Provided always, that no Vendue Master or Auctioneer shall attempt to sell without First having given Bond as herein before directed ; and provided also, that every Vendue Master or Auctioneer so licensed or appointed within the said City, shall pay to the Chamberlain of the said City, for the Use of the Mayor, Aldermen and Commonalty of the said City, such yearly Sum as they may direct and appoint, not exceeding Thirty Pounds in any One Year.

XII. And be it further enacted, That the said Province Treasurer, and the Deputy Treasurers, shall keep exact and distinct Accounts of the Monies arising from Time to Time by virtue of this Act, which may be by them respectively received.

XIII. And be it further enacted, That no Auctioneer or Vendue Master shall knowingly sell or dispose of any contraband or smuggled Goods, under the Penalty of One hundred Pounds,

Pounds, to be recovered and applied in the Manner and to the Uses directed in and by the Eighth Section of this Act.

XIV. And be it further enacted, That if any Auctioneer or Auctioneers shall be guilty of false Swearing in any Affidavit taken under and by virtue of this Act, such Auctioneer or Auctioneers so offending shall, on due Conviction thereof, be liable to suffer the Pains and Penalties by Law imposed for wilful and corrupt Perjury. False Swearing,
made Perjury.

XV. And be it further enacted, That this Act shall go into Operation on the First Day of May next. Limitation.

Schedule containing Form of Affidavit and Bond.

I, A. B. [*or We, A. B. and C. D.*] do solemnly swear in the Presence of Almighty God, that the Account now exhibited by me [*or us*], and to which I [*or we*] have subscribed my Name [*or our Names*], contains a just and true Account of all Goods, Wares, Merchandize and Effects sold by me [*or us*], or any Person or Persons under me [*or us*], within the Time set forth in the said Account, which are liable to the Duty imposed by an Act of the General Assembly, intituled *An Act to regulate Sales by public Auction.* So help me God. Affidavit.

Know all Men by these Presents, that We, _____, are held and firmly bound unto our Sovereign Lord the King, His Heirs and Successors, in the penal Sum of _____ of current Money of the Province of New-Brunswick, to be paid to our said Sovereign Lord the King, His Heirs and Successors; for which Payment well and truly to be made and done, we bind ourselves jointly and severally, our and each of our Heirs, Executors and Administrators, firmly by these Presents, sealed with our Seals. Dated _____ Bond.

this _____ Day of _____ in the Year of
Our Lord One thousand eight hundred and _____.

Whereas in pursuance of an Act of Assembly passed in the First Year of His Majesty's Reign, intituled *An Act to regulate Sales by public Auction*, the above bounden _____ has been duly licensed and appointed an Auctioneer or Vendue Master, within the _____ County of _____ :

Now the Condition of the above written Obligation is such, that if the above bounden _____ shall and do from Time to Time, and at all Times hereafter, so long as he shall continue an Auctioneer or Vendue Master as aforesaid, render just, exact, and true Account upon Oath, to the Treasurer of the Province for the Time being, or the Deputy Treasurer (if any there shall be) within the District, of all and singular the Goods, Chattels, Wares and Merchandize which he the said _____ may from Time to Time sell, and which are liable to Duty under the said Act, and shall and do from Time to Time, well, truly and punctually pay to the said Treasurer or Deputy Treasurer, as in and by the said Act required, the full Amount of Auction Duty or Duties on such Sales, pursuant to the said Act, and shall in all Things well and truly obey and observe the Provisions of the said Act, then the said Obligation to be void, otherwise to remain in full Force and Virtue.

Sealed and delivered)
in the Presence of)

CAP. XLIII.

An Act to amend the Laws in Force relating to insolvent confined Debtors.

Passed 31st March 1831.

Preamble.

WHEREAS by an Act made and passed in the _____

the Tenth and Eleventh Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal all the Laws now in Force for the Support and Relief of confined Debtors, and to make other and more effectual Provision in lieu thereof*, it is enacted that One Justice of the Inferior Court of Common Pleas is authorized and empowered to carry into Effect the Provisions of the said Act: And Whereas it is considered expedient to repeal so much and such Part of the said Act as authorizes One Justice of the Inferior Court of Common Pleas to examine the confined Debtor upon Oath, and make an Order of Maintenance, and in lieu thereof to enact that not less than Two Justices of the Inferior Court of Common Pleas shall be authorized to examine such Debtor and make an Order of Maintenance:

10 & 11 Geo. 4.
c. 30.

I. Be it therefore enacted by the President, Council, and Assembly, That so much of the said recited Act as authorizes any One Justice of the Inferior Court of Common Pleas for any County in this Province to examine on Oath such Person so confined, touching his or her Ability to support him or herself, and if found unable to support him or herself to make an Order of Maintenance, be and the same is hereby repealed; and in lieu thereof, be it further enacted, that Two Justices of the Inferior Court of Common Pleas shall be invested with the Power to examine any confined Debtor or Debtors, and to make an Order for the Support and Relief of such confined Debtor or Debtors, and to suspend the same if Occasion may require: Provided always, that in case Two Justices of the Inferior Court of Common Pleas cannot attend, that then it shall and may be lawful for any Justice of the Peace of the County, being of the Quorum, to act in the Stead of such Justice of the Inferior Court of Common Pleas who shall not attend upon such Examination. II.

Repeal of so much of the recited Act as allows One Justice of the Common Pleas to examine Debtors and make an Order of Maintenance.

That Power vested in Two such Justices.

Proviso.

Maintenance to
be paid to the
Gaoler.

These Two Sec-
tions not to ap-
ply to Saint
John.

Persons confi-
ned for One
Year, and not
strictly entitled
to the Benefit
of the Act, may
apply to the
Supreme Court
for Relief or
Discharge.

II. And be it further enacted, That such Allowance after passing of this Act shall be paid to the Gaoler of the County in which such Debtor may be confined, at any Time during the Day (between Sunrise and Sunset) such Allowance becomes due, for the Use and Support of such confined Debtor : Provided always, that nothing in the Two foregoing Sections of this Act contained shall extend to the City and County of Saint John.

‘ III. And Whereas it is expedient in certain Cases to authorize and empower the Supreme Court of Judicature of this Province to grant Relief or discharge confined Debtors who by the strict Provisions of the said Act may not be entitled to the Benefit thereof :’ Be it therefore further enacted, That when any Person may have been confined in any Gaol or Limits thereof, in this Province, for the Space of One Year, at the Suit of any Person for either Debt, Costs or Damages, such confined Person may apply to the said Supreme Court in Term Time, on Affidavit of the Circumstances, for Relief or Discharge ; which said Court, on Notice having been given of such Application to the adverse Party or his Attorney, may inquire into the Matter, on Affidavit or otherwise, and if it shall thereupon appear to said Court that the Person so confined has no Property whatever, real or personal, within his Possession, Power or Control, wherewith he can satisfy such Demand, or any Part thereof, or support himself in Custody, such Court may in its Discretion make an Order either for the Maintenance or Discharge of such Person so confined, in the same Manner as any Judge of such Court may now do by virtue of said Act ; and which Order or Discharge shall in all Respects have the like Force and Effect as any Order or Discharge made by any Judge pursuant to the Directions of said Act.

IV. And be it further enacted, That this Act shall continue and be in Force so long as the said Act to which this is an Amendment.

Limitation.

CAP. XLIV.

An Act further to amend the Acts relative to Streets and Highways in the City and County of Saint John.

Passed 31st March 1831:

WHEREAS the Inhabitants and Residents of the City and County of Saint John are by Law liable to perform an equal Number of Days' Labour on the Roads and Bridges in and throughout the said City and County as other Inhabitants of the Province in their respective Parishes: And Whereas by an Act passed during the present Session, intituled *An Act to repeal all the Laws now in Force for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways in the several Towns and Parishes in this Province; and to make more effectual Provision for the same, all the former Laws relative to Highways throughout the Province (the City and County of Saint John excepted) are repealed, and several of the Provisions which were contained in the same consolidated in the new Act, and various Alterations made in the Apportionment of Labour: And Whereas in and by the Thirtieth Section of the said Act it is declared that nothing therein contained should extend or be construed to interfere with the Rights and Powers granted by Charter to the Mayor, Aldermen and Commonalty of the City of Saint John: And Whereas it is necessary to make Regulations for the Assessment of Labour within the County of Saint John, and Doubts may arise as to the Extension of the new Scale of Labour to the said County:*

Preamble.

I.

Inhabitants of the County to Work on the Highways as in 1 W.L. c.33. s.6.

I. Be it enacted and declared by the President, Council, and Assembly, That the male Inhabitants of the County of Saint John shall be liable to perform Labour on the Highways to the same Extent, and under the same Regulations as are provided in and by the Sixth Section of the said recited Act; saving nevertheless the Rights granted by the said Charter of Saint John to the Mayor, Aldermen and Commonalty, and subject to the Regulations in and by this Act provided.

Commissioners of Highways to be appointed in the Parishes of Portland, Lancaster and Saint Martins, with Power &c. as in other Parishes.

II. And Whereas in order to carry into Effect the said Act it may be necessary that Commissioners should be appointed to assess the Number of Days' Work on the several Inhabitants; Be it therefore enacted, that it shall and may be lawful for the said Mayor, Aldermen and Commonalty, and they are hereby authorized and required, to nominate and appoint Three or more fit Persons to be Commissioners of Highways in each of the Parishes of Portland, Lancaster and Saint Martins respectively, who shall be sworn to the Discharge of their Duty, and shall be vested with the like Power, and discharge the like Duties, and be subject to the same Penalties for Neglect or Refusal, as the Commissioners of Highways in the other Towns or Parishes in the Province: Provided always, that no Highway shall be altered or new Road laid out, except by the Mayor, Aldermen and Commonalty, as is directed in and by the said Charter: And Provided also, that the said Mayor, Aldermen and Commonalty shall and may have Power to direct the particular Roads or Places where the Statute Labour shall be performed, within the Distance of Five Miles from the City Bounds.

Exceptions

The Money in lieu of Labour to be Two Shillings and Sixpence in the

III. And be it further enacted and declared, That the Money to be paid as Commutation in lieu of Labour shall be at and after the Rate of
Two

Two Shillings and Sixpence per Day, as well in the City as the County of Saint John.

City and County.

IV. And be it further enacted, That it shall be the Duty of the Assessors of Rates for the City of Saint John, on or before the First Day of May in each Year, to make the Assessment of Statute Labour on the Freemen and Inhabitants of the said City, according to the Scale herein after mentioned, if required so to do by the said Mayor, Aldermen and Commonalty; or the said Mayor, Aldermen and Commonalty may, if they think fit, nominate and appoint Three or more fit Persons to be Assessors for that Purpose, who shall be duly sworn to the Discharge of their Duty, and liable to the like Penalties for Refusal to act, or Neglect of Duty, as other Assessors.

The Assessment of Labour in the City to be made by the City Assessors of Rates or by others appointed for the Purpose.

V. And be it further enacted, That all Freemen and other male Inhabitants of the said City of the Age of Sixteen Years and upwards, shall perform Labour on the Streets and Highways at and after the following Rates; that is to say, Hired Servants, Common Labourers, Licensed Schoolmasters, Apprentices and other Persons under the Age of Twenty one Years, Two Days; Journeymen Mechanics, and other Persons whose whole Property, real and personal, may not exceed One hundred Pounds, Three Days; all Persons whose real and personal Property may exceed One hundred Pounds and not exceeding Two hundred and fifty Pounds, Four Days; exceeding Two hundred and fifty and not exceeding Four hundred Pounds, Five Days; exceeding Four hundred and not exceeding Seven hundred and fifty Pounds, Six Days; exceeding Seven hundred and fifty and not exceeding One thousand Pounds, Seven Days; exceeding One thousand and not exceeding Two thousand Pounds, Eight Days; exceeding Two thousand and not exceeding Five thousand Pounds, and whose yearly Income, from what-

Scale of Labour to be performed by the Inhabitants of the City.

ever

ever Source arising, exceeds Three hundred Pounds, Ten Days; exceeding Five thousand, or whose yearly Income exceeds Five hundred Pounds, Twelve Days; and all other male Inhabitants of the Age of Twenty one Years who may not be included in any of the foregoing Description of Persons, Four Days; Provided always, that upon Application to the Mayor, Recorder and Aldermen of the said City, or any Two of them, they shall and may, at their Discretion, lessen the Number of Days' Work to be performed by any poor or indigent Person.

The Labour of poor Persons may be lessened.

Appeals from Assessments in the City to be made to the Common Council.

VI. And be it further enacted, That in case any Person in the City of Saint John shall deem himself aggrieved by any Assessment made under this Act, it shall and may be lawful for him to appeal to the Common Council of the said City, who shall examine into the Merits of the said Appeal, and whose Decision shall be final; provided that a Memorandum of every such Appeal shall be entered in the Common Clerk's Office, within Five Days after the Appellant shall have received Notice of the said Assessment, with an Affidavit annexed in the Form following, or to that Effect:

' I, _____, Resident in _____ Ward of
' the City of Saint John, do make Oath that all
' the Property, real and personal, owned by me,
' or by any other Person in Trust for me, or for
' my Use, whatsoever and wheresoever, does not
' exceed _____ in Value, and that my year-
' ly Income does not exceed _____.

' Sworn the _____ Day of _____ 183-,
' before _____

' Justice of the Peace.'

And in case the Appeal be allowed, the Rate shall be amended accordingly; and the Common Council may in their Discretion direct the Surveyor for the District to repay, out of the Monies collected by him, the Amount of Overcharge,

charge, or to make Allowance therefor in the Labour of the next Year, in case the said Appellant should have performed the whole Labour assessed prior to hearing the Appeal ; and all Appeals from the other Parts of the County shall be made to the General Sessions, as directed by the said Act of the present Session.

Appeals from County to be made to the General Sessions.

VII. And be it further enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty to make such Bye Laws, Rules and Regulations relative to the Statute Labour without the said City, or to be performed by the Freemen of the said City, as they may think fit, not contrary to or inconsistent with the Provisions of this or any other Act of Assembly relative to the same.

Corporation may make Rules &c. as to the Labour in the City.

VIII. And be it further enacted, That this Act shall continue and be in Force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty three.

Limitation.

CAP. XLV.

An Act to repeal the Acts now in Force regulating the Exportation of Lumber, and to make other Provisions in lieu thereof.

Passed 31st March 1831.

WHEREAS the Laws now in Force for the Regulation of the Lumber Trade are found inconvenient :

Preamble.

I. Be it therefore enacted by the President, Council, and Assembly, That an Act made and passed in the Ninth and Tenth Years of His late Majesty's Reign; intituled *An Act to regulate the Exportation of Lumber, and to repeal all the Acts now in Force relating to the same*; be and the same is hereby repealed.

9 & 10 Geo. 4: c. 23 repealed.

II. And be it further enacted; That from and after the passing of this Act no Lumber of the
Y Descriptions

No Lumber to be shipped for Exportation previous to Survey.

Penalty.

Descriptions herein after mentioned, shall be shipped for Exportation from this Province until the same has been surveyed and measured, under a Penalty, for every Offence, not exceeding Fifty Pounds nor less than Five Pounds Currency, to be forfeited and paid by the Person or Persons who knowingly shall have shipped or caused the same to be shipped for Exportation without having been so surveyed and measured.

Appointment of Surveyors of Lumber.

Surveyors to give Bonds and be sworn.

III. 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 to appoint a sufficient Number of fit Persons in their respective Counties to be Surveyors of Lumber in each County, Town or Place where such may be necessary; which Persons so appointed shall enter into Bonds to His Majesty, His Heirs and Successors, in the Sum of One hundred Pounds, with Two good and sufficient Sureties in the Sum of Fifty Pounds each, conditioned for the due Performance of his Duty as Surveyor of Lumber, to be filed in the Office of Clerk of the Peace in such County, and shall take and subscribe the following Oath before One of His Majesty's Justices of the Peace, or before the Clerk of the Peace for the County in which he may be appointed, either of whom is hereby authorized and required to administer the same without any Fee; that is to say, 'I do solemnly swear, that I will faithfully, truly and impartially, to the best of my Knowledge, Skill and Ability, execute, do and perform the Office and Duty of a Surveyor of Lumber, according to the true Intent and Meaning of an Act, intituled *An Act to repeal the Acts now in Force regulating the Exportation of Lumber, and to make other Provisions in lieu thereof*, and that I will give a true and faithful Account of the Number, Dimensions or Measurement of all such Lumber as may be submitted to my Inspection,

‘ Inspection, according to the best of my Know-
 ‘ ledge, and that I will not survey any Lumber
 ‘ in which I may be directly or indirectly inter-
 ‘ ested otherwise than for the Compensation pre-
 ‘ scribed in this Act, and that I will not change
 ‘ any Article of Lumber that may be delivered
 ‘ or intrusted to me for the Purpose of being so
 ‘ surveyed, and that I will not survey Lumber for
 ‘ any Person or Persons in whose Employment
 ‘ I may be, either Buyer or Seller;’ which Affidavit every Surveyor so appointed and sworn shall deliver unto the Clerk of the Peace for the County in which he shall be appointed, together with the private Mark which he shall adopt; and the said Clerk of the Peace is hereby required to grant a Certificate to every such Person, of his having taken and subscribed the said Oath, and of his having filed the said Bond, and to furnish him with a Copy of this Act, for which Copy so furnished he is to receive One Shilling from the Sessions of said County; and it shall be lawful for them to survey Lumber in any Part of the County in which they shall be appointed, and it shall be their Duty respectively, personally, diligently and carefully to ascertain the Qualities of the Articles submitted to their Inspection, and after rejecting all such as in their Opinion may appear objectionable under this Act, of which each Surveyor is hereby required to provide himself with, and retain a Copy, they shall when required furnish the Buyer and Seller, each with a true and faithful Account, in Writing, of the Number, Length, Dimensions or Measurement of the Articles they shall respectively find to be merchantable; and every such Account duly certified under the Hand of a Surveyor, shall be final and conclusive between the Buyer and Seller: Provided always, that when any Dispute shall arise between the Buyer or Seller and any of the Surveyors, or be-

Affidavit and private Mark to be delivered to the Clerk of the Peace, &c.

Power to survey Lumber &c.

How Disputes as to Surveys to be settled.

tween

tween the Buyer and Seller of any Article of Lumber, and a Resurvey shall be required—when such Dispute shall arise between the Buyer and Seller and the Surveyor—it shall and may be lawful for the Party requiring such Resurvey, and for the said Surveyor respectively, to choose One disinterested Surveyor duly appointed under this Act, which Two Surveyors so appointed shall choose a Third disinterested Surveyor duly appointed under this Act, whose Duty it shall be to examine and resurvey said Lumber, and the Decision of the said Three Surveyors, or of any Two of them, as to the said Resurvey, shall be final and conclusive;—and when such Dispute shall arise between the Buyer and Seller—it shall and may be lawful for the Party who shall have had the Choice of the First Surveyor to choose One disinterested Surveyor, and for the other Party to choose Two disinterested Surveyors, which said Three Surveyors so chosen shall proceed to examine and resurvey the said Lumber, and the Decision of the said Three Surveyors, or any Two of them, as to the said Resurvey, shall be final and conclusive; and should the original Survey be confirmed, then and in such Case the Person requiring said Resurvey shall pay the Expenses thereof; and should the said original Survey not be confirmed, then and in such Case the Expenses of the said Resurvey shall be paid by the Person requiring such Resurvey, who shall and is hereby authorized to recover the same again from the First Surveyor : Provided also, that if any Surveyor shall pass any Article 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 or them, and be subject to the following Penalties; namely, For every Forty Cubic Feet of Timber so passed, the Sum of Two Shillings and Sixpence; for every Thousand

Surveyors passing Lumber contrary to this Act to be liable for Damages.

Rate.

sand Superficial Feet of Plank, Deals, Boards or Scantling, the Sum of Five Shillings; for every Spar, the Sum of One Shilling; for every Thousand Shingles, the Sum of Two Shillings and Sixpence; for every Thousand Staves, the Sum of Five Shillings; for every Cord of Lathwood, the Sum of Two Shillings and Sixpence: and if any Surveyor appointed under this Act shall at any Time wilfully change any Article of Lumber submitted to him for Inspection or to be surveyed, by substituting any other Article of Lumber, he shall upon due Conviction thereof incur a Penalty not exceeding Fifty Pounds nor less than Five Pounds, to be recovered as is herein after prescribed in the Ninth Section of this Act; Provided also, that if any Surveyor shall at any Time be found guilty of wilful Neglect of Duty, or of Partiality in the Execution of his Office, or of wilfully giving a false Account of the Article or Articles submitted to him for Inspection, or of knowingly marking or shipping, or causing to be marked or shipped, any Article of Lumber surveyed by him of unmerchantable Size, Quality or Manufacture, or in any Manner contrary to what is required by this Act for Exportation, he shall be dismissed from his Office as Surveyor, and shall be ever after incapable of holding such Situation or Employment.

Changing Articles submitted for Survey.

Penalty.

Neglect of Duty, Partiality, &c.

Punishment.

IV. 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 knotty Tops, Plugs, Rots, rotten or concase Knots, decayed Sap and Worn Holes, to be square butted, and the Taper not to exceed One Inch for every Eighteen Feet in Length; the Wane not to exceed One Inch on each and every Corner where the Square is under Sixteen Inches, and

Description of Square Timber for the British Market.

and from Sixteen 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; and in order to ascertain the Contents of such Timber, the Surveyor shall girth or measure the same at the Middle of the Stick; and the Difference of the Squares between any Two 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 every Forty Feet in Length; Provided nevertheless, that all Pine Timber over Sixteen Inches square, smoothly hewed and free from the Knots and Defects aforesaid, shall be deemed merchantable, if over Twelve Feet long: all merchantable Boards shall be Seven Eighths of an Inch thick; and all Boards, Plank, Deals and Scantling shall be square edged with the Saw; 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 Twelve Feet long and Nine Inches wide; and that is not sawed of any equal Width and equal Thickness throughout; all merchantable Boards, Plank, Deals and Scantling shall be free from Rots, bad or large Knots, (not exceeding Two of Two and a Half Inches Diameter,) Rents, Shakes, Worm Holes, Wane and Auger Holes; and Purchasers shall not be obliged to take Planks with Boards unless by special Agreement; and the Breadth of Boards, Plank and Scantling to be taken at the Middle for Measurement; clear Boards may be sawed out of the round Log without being edged (optional with the Party manufacturing the same), to be free from Rots, Knots, Rents, Shakes, Worm Holes, and Auger Holes; the Width of which for Measurement to be taken at the Centre, inside of and not including the Wane and dark

Boards, Planks,
Deals and Scant-
ling.

dark Sap : Masts shall not be less than Three Masts.
 Feet and One Fourth of a Foot in Length to
 every Inch of Diameter ; to be hewed smoothly
 and reduced sufficiently to show the real Wood
 free from Sap on the Centre of all the Four
 Sides at the Partners ; to be as small at the Butt
 as at the Partners, and of proportionate and full
 Size at the Top ; to be straight, free from Rot,
 Ring Shakes, Butt Rots, concase or rotten
 Knots, large Knots at the Top, Bark on the
 Wanes, Auger Holes and other Defects ; to be
 square butted ; the Diameter for Measure-
 ment to be taken at the Partners, One third from
 the Butt, exclusive of Sap : Spars shall be of Spars.
 straight Growth, free from large Knots, Rots
 and other Defects ; to be of proportionate Size
 at the Top with the Butt ; to be square butted ;
 and the Diameter for Measurement to be taken
 One Third of the Length from the Butt, exclu-
 sive of Bark ; and to be Four and One Half Feet
 in Length for every Inch of Diameter where the
 Spar exceeds Nine Inches in Diameter, and Five
 Feet at least for all Spars under Nine Inches
 Diameter : Lath Wood shall be of straight Rift, Lathwood.
 free from Bark, Hearts, Knots and Rots ; to be
 measured by the Cord of Four Feet high and
 Eight Feet long, and piled as close as it can be
 laid : Pine Shingles shall be Eighteen Inches Shingles.
 long, not less than Four Inches wide, and Three
 Eighths of an Inch thick at the Butt, free from
 Sap, Rot and Worm Holes, to be put up in Bun-
 dles not less than Twenty five Tiers or Courses
 of Twenty Inches wide, Four of which Bundles
 shall be reckoned a Thousand ; Cedar Shingles
 for Exportation shall be Twenty two Inches
 long, and Half an Inch thick at the Butt, the said
 Thickness to be continued Three Fourths of the
 Length and shaved from thence to the Point, to
 be from Four to Four and One Half Inches in
 Width, and the Account shall be taken by Tale
 of

of Ten hundred to the Thousand ; and that all Pine Shingles manufactured in the same Manner for Exportation shall be subject to the like Rules and Regulations ; the Whole of which Cedar and Pine Shingles for Exportation to be free from the Defects above mentioned relative to Shingles: Hogshead Staves shall be Forty two Inches long, Three Fourths of an Inch thick on the thinnest Edge, and not exceeding One and One Eighth Inches thick on the Back, and shall also be from Three and One Half to Five and one Half Inches wide ; Barrel Staves shall be Thirty two Inches long, Half an Inch thick on the thinnest Edge, and not exceeding Seven Eighths of an Inch thick on the Back; the Whole to be of good Rift, free from Twists, fairly split and free from Knot Holes, rotten Knots, Worm Holes and Shakes, and the Account shall be taken by Tale of Twelve hundred to the Thousand.

Hogshead and Barrel Staves.

Regulations respecting Lumber measured afloat, and proving unmerchantable.

‘ V. And Whereas certain Articles of Lumber are measured afloat, and cannot conveniently be inspected;’ Be it therefore further enacted, That when such Lumber, or any Part thereof, shall prove unmerchantable, it shall be the Duty of the Purchaser or Purchasers of such Lumber to give the Seller or Sellers, or his or their Agent, Ten Days’ Notice that such Lumber has so proved unmerchantable, in order that the same may be removed; and if the Seller or Sellers, or his or their Agent, shall not within the Time of such Notice given as aforesaid apply for such Lumber, and remove the same from the Possession of such Purchaser or Purchasers, then the said Purchaser or Purchasers shall, and he or they are hereby required to call upon the Surveyor who First measured such Lumber, which Surveyor shall examine the said Lumber so found defective and take an Account of the Marks and Contents of the same, and the Purchaser shall put or cause the

the said Lumber to be put in merchantable Order under the Superintendence of such Surveyor, by having the same overhauled, lined, hewed, sawed or repaired in any Way that may be thought advisable by such Surveyor; and the Purchaser or Purchasers shall be at Liberty to charge the Seller or Sellers of such Lumber with the Expense of putting the same in Order as aforesaid, and with any Deficiency thereon; which said Expenses and Deficiency shall be kept Account of and estimated by such superintending Surveyor: Provided always, that no Purchaser or Purchasers of any Lumber shall be allowed to have the same repaired or resurveyed at the Risk or Expense of the Seller or Sellers after he has had the same in Possession more than Twelve Months: And provided also, that the Seller or Sellers of any Lumber, in order to avail himself or themselves of the Provisions contained in this Section, if he or they reside more than Twenty Miles from the Place where such Sale is made, shall, at the Time of making Sale of any such Lumber, nominate and appoint an Agent or Agents to attend to such unmerchantable Lumber, and the Person or Persons so nominated and appointed Agent or Agents, shall be made known to the Purchaser of such Lumber at the Time of such Sale and Purchase.

[No Repairs or Resurvey allowed after Twelve Months Possession.]

VI. And Whereas some evil disposed Persons are in the Habit of plugging or wedging Timber and Masts, for the Purpose of passing such Timber, Masts or Spars, by such Deceptions, as merchantable; Be it therefore enacted, That any Person or Persons convicted of plugging any Timber, Spars or Masts, when any Defect is covered by such plugging or wedging, shall be liable to pay a Fine of Five Pounds Currency for each and every such Offence.

Plugging Timber, Masts or Spars.

Penalty.

VII. And be it further enacted, That each of the Surveyors so appointed shall mark or

Z

score

How Lumber to be marked by Surveyors.

score in large and legible Figures or Characters, on One of the Sides, near the Butt End of each Piece of Timber inspected by him, his own Mark, the Length, the Purchaser's Mark, and the Contents; and shall, at the Place of girthing the same, mark or score the Girth thereof for Measurement; Masts and Spars shall be marked in the same Manner, having instead of the Contents, the Diameter at the Partners: Provided always, that any Person or Persons adopting or using the private Mark of any Surveyor of Lumber under this Act, by placing the same upon any Piece of Timber, Scantling, Mast, Spar or other Article of Lumber, other than such Surveyor of Lumber, shall be for each and every such Offence liable to the Penalty of Five Pounds Currency, to be sued for and recovered as is prescribed in all Penalties of the like Amount in this Act.

Improperly
using the pri-
vate Mark of
any Surveyor.

Penalty.

Fees of Survey-
ors.

VIII. And be it further enacted, That the Persons so appointed Surveyors as aforesaid shall respectively be entitled to ask, demand and receive for their Skill and Labour in surveying and resurveying, at and after the following Rates; that is to say, For every Forty Cubic Feet of Timber, Four Pence; for every Thousand Superficial Feet of Deals, Plank, Scantling and Boards, One Shilling, and Three Pence for marking the same; for Masts under Seventeen Inches Diameter, One Shilling and Sixpence each, and if larger, Two Shillings each; for Spars under Six Inches Diameter, Two Pence each, being Nine Inches Diameter and upwards, Four Pence each; for Lathwood, One Shilling and Three Pence per Cord; for Pine Shingles, Nine Pence per Thousand; for Cedar Shingles, One Shilling per Thousand; for Hogshead Staves, Three Shillings per Thousand; and for Barrel Staves, One Shilling and Sixpence per Thousand: Which Rates for the Survey of merchantable Lumber shall be paid by the First Buyer

By whom pay-
ble.

Buyer after the Survey, provided it be purchased within Four Months, and should it not be purchased within that Term, the Surveyor to be paid by the Person who employed him ; and the Seller shall remove or cause to be removed at his own Expense whatever may obstruct or prevent the Surveyor from ascertaining with Facility the Measurement, Manufacture or Quality of any Article of Lumber, and when required the same shall be canted, and should the Seller or Sellers refuse or neglect to do the same, it shall and may be lawful to do so, or cause it to be done, and to charge the Seller with the necessary Expense of the same ; which Expense to be sued for and recovered in any Court competent to try the same.

Seller to remove all Obstructions to the Survey.

IX. And be it further enacted, That One Half of the Forfeitures or Fines arising by virtue of this Act, shall be paid to the Person or Persons who shall sue for the same, and the other Half to the Overseer of the Poor of the Parish in which such Forfeiture shall have been incurred, for the Use of the Poor of said Parish ; and where any of the Penalties imposed by this Act shall not exceed Five Pounds, they shall be recovered, together with the Costs of Prosecution, before any One of His Majesty's Justices of the Peace of the County in which the Offence shall be committed, and 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, (which Warrant to be under the Hand and Seal of such Justice or Justices,) and for Want of sufficient Distress shall suffer not less than Ten Days' nor more than Thirty Days' Imprisonment ; and in case such Forfeiture or the Value thereof shall exceed Ten Pounds, the

Application of Penalties.

Mode of Recovery.

same

same shall be recovered in any of His Majesty's Courts of Record competent to try the same, with Costs of Suit.

Prosecutions to be within Twelve Months.

X. And be it further enacted, That all Prosecutions by virtue of this Act shall be commenced within Twelve Months from and after the Time such Offence shall have been committed.

Limitation.

XI. And be it further enacted, That this Act shall continue and be in Force until the First Day of May One thousand eight hundred and thirty five.

CAP. XLVI.

An Act to provide for the Services of the Speaker of the House of Assembly, and for defraying the Expenses and travelling Charges of the Members of the said House attending in General Assembly.

Passed 31st March 1831.

Preamble.

WHEREAS it has been usual, and in the present Circumstances of the Province it is still deemed expedient, to provide for the Services of the Speaker, and defray the Expenses of Members of the House of Assembly when attending the General Assembly :

Provision for the Services of the Speaker.

I. Be it therefore enacted by the President, Council, and Assembly, That there be allowed and paid out of the Treasury of the Province, to the Speaker of the House of Assembly, the Sum of One hundred and fifty Pounds for each and every Session of the General Assembly.

Provision for the Expenses of the Members.

II. And be it further enacted, That there be allowed and paid out of the said Treasury to each and every Member of the House of Assembly, for defraying the Expenses of Attendance in General Assembly, for each and every Day's Attendance, the Sum of Twenty Shillings per Day; such Attendance to be certified by the Speaker : Provided always, that no greater Sum shall be allowed for the Attendance of any Member for any One Session than Fifty Pounds.

III.

III. And be it further enacted, That for defraying the travelling Charges of Members there be allowed and paid out of the said Treasury the Sum of Twenty Shillings per Day, allowing Twenty Miles for each Day's Travel, to be also certified by the Speaker.

Provision for travelling Charges.

IV. Provided always, and be it further enacted, That in case of any Member of the said House of Assembly being absent for any Part of the Session, a Deduction shall be made (to be also certified by the Speaker) from the Sum herein before allowed for defraying the Expenses of Attendance, at and after the Rate of Twenty Shillings for each Day's Absence.

Deduction to be made in case of Absence.

V. And be it further enacted, That the several and respective Sums of Money herein before mentioned shall be paid by the Treasurer, by Warrant of His Honor the President or Commander-in-Chief for the Time being, by and with the Advice of His Majesty's Council, out of the Monies now in the Treasury, or as Payments may be made at the same.

Money to be paid by Warrant on the Treasury.

VI. And be it further enacted, That this Act shall continue and be in Force for and during the Continuance of the present House of Assembly and no longer.

Limitation.

CAP. XLVII.

An Act to appropriate a Part of the public Revenue to the Payment of the Ordinary Services of the Province.

Passed 31st March 1831.

I. BE it enacted by the President, Council, and Assembly, That there be allowed and paid out of the Treasury of the Province, for the Services herein after mentioned, the following Sums, to-wit:

To the Chaplain of the House of Assembly the sum of Twenty five Pounds.

Chaplain of Assembly.

To

Clerk of the
Council.

To the Clerk of the Council the sum of Fifty Pounds, and Twenty Shillings *per Diem* during the present Session.

Clerk of the
Assembly.

To the Clerk of the House of Assembly the sum of Two hundred Pounds for the present Session.

Clerk Assistant.

To the Clerk Assistant of the House of Assembly the sum of Twenty Shillings *per Diem* during the present Session.

Sergeants at
Arms.

To the Sergeant at Arms attending the Council in General Assembly the sum of Twenty Shillings *per Diem* during the present Session.

To the Sergeant at Arms attending the House of Assembly the sum of Twenty Shillings *per Diem* during the present Session.

Door Keepers.

To the Door Keepers attending the Council and Assembly the sum of Twelve Shillings and Sixpence *per Diem* each during the present Session.

Messengers.

To the Messengers attending the Council and Assembly the sum of Ten Shillings *per Diem* each during the present Session.

Keeper of Part-
ridge Island
Light House.

To the Keeper of the Light-House on Partridge Island the sum of One hundred Pounds for the Year One thousand eight hundred and thirty one.

Keeper of Bea-
con Light.

To the Keeper of the Beacon Light in the Harbour of Saint John a sum not exceeding One hundred Pounds for his Services for the Year One thousand eight hundred and thirty one.

Province Trea-
surer.

To the Honorable Richard Simonds the sum of Six hundred Pounds for his Services from the Thirty first Day of December One thousand eight hundred and twenty nine to the Thirty first Day of December One thousand eight hundred and thirty ; and a further Sum of One hundred Pounds to enable him to pay a Clerk for the same Period.

Attorney Gene-
ral.

To His Majesty's Attorney General the sum of One hundred Pounds for his Services for the Year One thousand eight hundred and thirty.

To

To His Majesty's Solicitor General, for his Services for the Year One thousand eight hundred and thirty, the sum of Fifty Pounds.

Solicitor General.

To the Clerk of the Crown in the Supreme Court, for his Services for the Year One Thousand eight hundred and thirty one, the sum of One hundred Pounds.

Clerk of the Crown.

To Beverly Robinson, Deputy Treasurer at Saint Andrews, the sum of One hundred Pounds as a Remuneration for the increased Duties of his Office the last Year.

B. Robinson.

To the Honorable Richard Simonds, Province Treasurer, for Office Contingencies for the Year One thousand eight hundred and thirty, the sum of Seventy six Pounds Fifteen Shillings and Sixpence.

Treasury Contingencies.

To B. C. Chaloner the sum of One hundred and thirty five Pounds Seventeen Shillings for gauging and weighing at Saint John for the Year One thousand eight hundred and thirty.

B. C. Chaloner.

To D. W. Jack the sum of Fifty two Pounds and Sixpence for gauging and weighing at Saint Andrews for the Year One thousand eight hundred and thirty.

D. W. Jack.

To C. H. Jouett the sum of Twenty nine Pounds Six Shillings and Sixpence for gauging and weighing at West Isles for the Year One thousand eight hundred and thirty.

C. H. Jouett.

To His Honor the President or Commander in Chief the sum of One hundred and fifty Pounds for the Services of a Tide Surveyor at the Port of Saint Andrews from the First Day of April One thousand eight hundred and thirty to the First Day of April One thousand eight hundred and thirty one.

Tide Surveyor at Saint Andrews.

To His Honor the President or Commander in Chief the sum of Seventy five Pounds for the Services of a Tide Surveyor at Miramichi for the Year One thousand eight hundred and thirty one.

Tide Surveyor at Miramichi.

B. Chaloner.

To Benjamin Chaloner, Tide Surveyor of the City of Saint John, the sum of Fifty Pounds for his Services from the First Day of May One thousand eight hundred and thirty to the First Day of May One thousand eight hundred and thirty one.

Fisheries.

To His Honor the President or Commander in Chief the sum of Four thousand Pounds for the Encouragement of the Fisheries of the Province for the Year One thousand eight hundred and thirty one; and the sum of not exceeding Three thousand Pounds for the Encouragement of raising Grain on new Land, agreeably to the Acts of the General Assembly.

Grain on new Land.

Destruction of Bears.

To His Honor the President or Commander in Chief a sum not exceeding Two hundred Pounds for the Encouragement of the Destruction of Bears, agreeably to a Law of this Province.

John Abrams.

To His Honor the President or Commander in Chief the sum of Ninety one Pounds Five Shillings to enable the Treasurer to pay John Abrams for his Services as Tide Waiter at Saint John for the Year One thousand eight hundred and thirty one.

Keeper of Campo Bello Light House.

To His Honor the President or Commander in Chief the sum of One hundred and twenty Pounds to pay the Keeper of the Campo Bello Light House for his Services for the Year One thousand eight hundred and thirty one.

G. Henderson.

To George Henderson the sum of Six Pounds One Shilling and Sixpence being the amount of his Account for guaging at Miramichi for the Year One thousand eight hundred and thirty.

Treasury Tide Surveyor.

To His Honor the President or Commander in Chief the sum of Two hundred Pounds to enable the Treasurer to pay a Tide Surveyor to the Treasury at the Port of Saint John for his Services for the Year One thousand eight hundred and thirty one.

To the Master in Chancery appointed to carry Messages from the Council to the House of Assembly, for the present Session, the sum of Forty Pounds.

Master in Chancery.

To the Chaplain of the Council in General Assembly the sum of Twenty five Pounds.

Chaplain of the Council.

To His Honor the President or Commander in Chief a sum not exceeding Four thousand Pounds for the Encouragement of Parish Schools, agreeably to a Law of this Province.

Parish Schools.

To the Clerk of the Council the sum of Twenty five Pounds, for defraying the Expenses of an Assistant during the present Session.

Clerk of the Council for Assistant.

II. And be it further enacted, That all the before mentioned Sums shall be paid by the Treasurer of the Province by Warrant of His Honor the President, or Commander in Chief for the Time being, by and with the Advice of His Majesty's Council, out of the Monies now in the Treasury, or as Payments may be made at the same.

Money to be paid by Warrant on the Treasury.

CAP. XLVIII.

An Act to appropriate a Part of the public Revenue for the Services therein mentioned.

Passed 31st March 1831.

I. BE it enacted by the President, Council, and Assembly, That there be allowed and paid out of the Treasury of this Province the following sums, to-wit :

To David Godard the sum of fifteen pounds; being the amount expended by him on the road from Graves's Mill to Anthony Clare's, in the year one thousand eight hundred and twenty eight.

David Godard.

To the Justices of the Peace for the County of Kent the sum of two hundred pounds, towards paying off the Debt due for building a Court House and Gaol in that County.

Justices of the Peace of Kent.

Susan S. Chapman.

To Susan S. Chapman, Widow of the late George Chapman, the sum of thirteen pounds six shillings and eight pence, for a School taught by her said husband for about eight months, in the Parish of Westmorland.

John Beck.

To John Beck the sum of five pounds fourteen shillings, to remunerate him for the payment of Drawback on Rum lost by accident.

John M'Namara.

To John M'Namara, a licensed School master, the sum of twenty pounds, for teaching a School in the Parish of Waterborough, Queen's County, for one year ending nineteenth day of March one thousand eight hundred and twenty nine.

David Anderson.

To David Anderson the sum of eight pounds thirteen shillings and eight pence, being the amount due him for Bounty on Grain raised on new land in the County of Saint John in the year one thousand eight hundred and twenty eight.

S. Wiggins and T. Sandall.

To Stephen Wiggins and Thomas Sandall the sum of twenty one pounds, being the amount of Drawback on five puncheons of Rum exported to Africa.

P. J. Dollar.

To Peter Joseph Dollar the sum of fifteen pounds for teaching a School at Tracadie, in the County of Gloucester.

Encouragement to build a Steam Boat to run between Saint John, Annapolis, and Saint Andrews.

To His Honor the President or Commander in Chief the sum of five hundred pounds, to be applied towards defraying the expense of building, equipping and fitting a good, substantial and effective Steam Boat, to be propelled by one engine of at least fifty horse power, or by two engines each at least twenty horse power, of good quality, the manufacture of British America, or the United Kingdom; which Steam Boat is to run between the Port of Saint John and Annapolis, touching at Digby, for the conveyance of the Mails and Passengers, and also between the Port of Saint John and Saint Andrews, touching at Eastport; the said Sum to be paid to James Whitney,

Whitney or whosoever else shall first build and provide said Steam Boat, and establish the same on said stations, whenever it shall be certified to His Honor the President or Commander in Chief by such person or persons as he shall appoint for this purpose, that such Steam Boat has been built, and been running three months on the said stations, and that security has been given that the said Boat shall be continued running on the said routes, during at least three years from its commencement: and the further sum of two hundred pounds, to be paid in each and every year, for five years, by quarterly payments, to the Proprietor or Proprietors of such Steam Boat as aforesaid, upon its being duly certified as aforesaid at the end of each quarter, that such boat has been continued in effective operation, and has crossed to Annapolis from Saint John after having touched at Digby as aforesaid, and back to Saint John twice in each week, carrying the Mails during seven months in each year to and from the places last mentioned; and that during the remainder of the year a sufficient sailing packet vessel, carrying the Mails, has been maintained on the said stations, crossing once a week when the Steam Boat shall be unable to run thereon; and provided also, that the said Steam Boat do run at least once a week carrying the Mails during the said seven months from Saint John to Saint Andrews, touching at Eastport, and back to Saint John.

To Theophilus Cowdell the sum of ten pounds T. Cowdell.
for a School taught six months in the Parish of Hillsborough.

To His Honor the President the sum of thirty three pounds five shillings and nine pence to be applied to the discharge of a balance due the Province on a Bond signed by Luke Fitzpatrick as surety for John Macnamara.

To discharge
Balance due on
L. Fitzpatrick's
Bond.

To His Honor the President or Commander
in

Priest to the Indians.

in Chief the sum of fifty pounds for the purpose of aiding the Milicete Tribe of Indians to maintain their Priest.

Flora M'Rae.

To Flora M'Rae, Widow of the late Captain Alexander M'Rae of His Majesty's North Carolina Highlanders, the sum of twenty pounds to relieve her in her present distressed circumstances.

Extent against John Atcheson.

To His Honor the President or Commander in Chief a sum sufficient to discharge John Atcheson from an Extent issued against him in August one thousand eight hundred and twenty two, for thirty six pounds twelve shillings, as surety on a Bond for Duties to the Province in which Angus M'Intosh was the Principal.

Corporation of Saint John for Buoys, &c.

To His Honor the President or Commander in Chief the sum of one hundred and thirty nine pounds two shillings and sixpence, to reimburse the Mayor, Aldermen and Commonalty of the City of Saint John for expenses incurred by them in placing Buoys and Beacons at the entrance of the Harbour of Saint John; the same to be taken from the Light House Fund.

John Smith.

To John Smith, a licensed Teacher, the sum of fifteen pounds to make up the difference granted to him for teaching a School in the Parish of Chatham in the County of Northumberland, for the years one thousand eight hundred and twenty six, one thousand eight hundred and twenty seven, one thousand eight hundred and twenty eight, and one thousand eight hundred and twenty nine, between the Provincial allowance for Schools and the sum granted by the Legislature: also the further sum of twenty pounds for teaching a School the past year; the Trustees of Schools for that Parish refusing to certify him to the Court of General Sessions for the County of Northumberland owing to his being a Madrass Teacher.

John Hinchey.

To John Hinchey the sum of twenty pounds for

for a School taught in the Parishes of Ludlow and Newcastle, in Northumberland, for the period of one year.

To James Whitehead, a meritorious old Soldier; who has bravely fought and been desperately wounded in the service of his Country, as a Private in the York Volunteers, the sum of ten pounds.

James Whitehead.

To Henry Ogden the sum of ten pounds, he having lately undergone the painful operation of amputation of both his legs; the said Henry Ogden being the son of an old Soldier who is extremely poor.

Henry Ogden

To William Corry, licensed Teacher, the sum of twenty pounds for teaching a School one year, in the Parish of Hampton, ending twelfth day of August one thousand eight hundred and twenty nine.

W. Corry.

To Gilmore Rankin & Co. the sum of eight pounds fourteen shillings, being the amount of drawback on two puncheons of Rum exported by them to Prince Edward Island.

Gilmore, Rankin & Co.

To His Honor the President or Commander in Chief the sum of fifty pounds to be applied by him towards the encouragement of a good and sufficient Stage to run between Saint John and Saint Andrews for one year, at least twice a week, carrying the Mail when required, and to be paid to the Proprietor or Proprietors of the first good and sufficient Stage running as aforesaid.

Encouragement for a Stage between Saint John and Saint Andrews.

To the Magistrates of the County of Northumberland the sum of two hundred and nine pounds fifteen shillings and three pence, for expenses incurred in preventing the spreading of contagious distempers from on board of the brig Jane from Cork, bound to Quebec, having put into Miramichi Harbour to land Passengers.

Magistrates of Northumberland.

To His Honor the President the sum of twenty pounds for the purpose of paying William Barber, a licensed Schoolmaster, for teaching a School

W. Barber.

School on the Western District of the Shepody Road, on his obtaining a certificate from the Trustees of Schools in the Parish of Sussex, that the same has been regularly taught for one year by him.

George Ball.

To George Ball the sum of eight pounds four shillings and three pence, being the amount of Drawback on two puncheons of Rum exported to Nova Scotia.

Administrators
of G. H. M'Do-
nald.

To Hannah M'Donald, Matthias Steves and David Steves, Administrators of G. H. M'Donald, deceased, the sum of fifteen pounds for a School taught by the said G. H. M'Donald, in his life time, in Hillsborough.

Magistrates
of Charlotte
County.

To the Magistrates of the County of Charlotte the sum of seven hundred and fifty pounds to assist in defraying the expenses of building a Gaol in that County.

H. Munroe and
Jane Cockburn.

To Hugh Munroe and Jane Cockburn the sum of twenty pounds to remunerate them for damage sustained in the alteration of a road leading from the bridge over the Nackawickik in the Parish of Northampton; the said sum to be paid out of the grant of the present Session for the great road from Fredericton to the Canada Line.

Isaac and J. G.
Woodward.

To Isaac and J. G. Woodward the sum of eight pounds four shillings and sixpence, for drawback on ten puncheons of Rum exported to Africa, being the difference between the common and imperial gallon.

R. Hitchings
and E. Crowell.

To His Honor the President or Commander in Chief the sum of twenty pounds to remunerate Richard Hitchings and Edward Crowell, residents at the Seal Islands, for expenses they may be put to in relieving Shipwrecked Persons, and towards the support of their establishment for that purpose.

Courier be-
tween New-
castle and Fre-
dericton.

To His Honor the President or Commander in Chief the sum of fifty pounds to defray the expenses of a Courier from Newcastle to Fredericton.

To

To Daniel Smith, a settler on the Quaco Road, Daniel Smith.
the sum of three pounds thirteen shillings, being
the amount due him as the Provincial Bounty for
Grain raised upon new land.

To Adam Gerrard, late Deputy Treasurer at Adam Gerrard.
Dalhousie, the sum of thirty eight pounds seven-
teen shillings and one penny, being a balance
due him from the Province, as reported by the
Committee on the Treasurer's Accounts.

To Solomon Teed, the sum of ten pounds, a Solomon Teed.
meritorious old Soldier in the revolutionary
war, where he lost an eye fighting in defence of
his King, and is now poor and indigent.

To John Robb, as an encouragement for the John Robb.
erection of an Oat Mill of a superior description
in Dorchester, the sum of twenty five pounds, in
addition to any grant or allowance he may be enti-
tled to by virtue of any general resolution to be
made this Session for the encouragement of Oat
Mills.

To the Sheriffs of the several Counties in the Sheriffs for re-
Province, for executing Writs of Election, and turning Mem-
returning the Members to serve in General As- bers to General
sembly, the following sums, viz : Assembly.

To the Sheriff of the County of York the sum
of twenty five pounds.

To the Sheriff of the County of Sunbury the
sum of twenty five pounds.

To the Sheriff of the County of Westmorland
the sum of twenty five pounds.

To the Sheriff of the County of Charlotte the
sum of twenty five pounds.

To the Sheriff of the County of Queens the
sum of ten pounds.

To the Sheriff of the County of Kings the sum
of twenty five pounds.

To the Sheriff of the City and County of
Saint John the sum of forty pounds.

To the Sheriff of the County of Northumber-
land the sum of ten pounds.

To the Sheriff of the County of Kent the sum
of twenty five pounds. To

To the Sheriff of the County of Gloucester the sum of twenty five pounds.

Hon. J. M.
Bliss.

To the Honorable John M. Bliss, one of the Commissioners appointed to administer the Oaths to Members returned to serve in General Assembly, the sum of thirty pounds.

Province
Agents.

To John Bainbridge and Henry Bliss, Esquires, such sum as will procure bills of exchange for one hundred pounds sterling each, for their services as Agents for the Province for the year one thousand eight hundred and thirty.

Fish Bounties.

To His Honor the President or Commander in Chief the sum of one thousand two hundred and two pounds, for the purpose of paying the following Fish Bounty Certificates, agreeably to an Act of this Province for the encouragement of the Cod and Scale Fishery; part of which Certificates having been erased by the officers of His Majesty's Customs at Saint John, viz :

1st Schooner Fame,	James Spinney,	£39
2 Neptune,	William Fleet,	51
3 Brothers,	Dennis Cronen,	40
4 Welcome Return,	David Godwin,	38
5 Lively,	Ebenezer Spinney,	33
6 Lady Clements,	Ephraim Larkin,	40
7 Mary,	Jonathan Spinney,	38
8 Martin,	Knowles Reynolds,	32
9 Sophia,	John T. Smith,	63
10 Rising Sun,	Done Snow,	43
11 Sea Flower,	John Larkin,	30
12 Penguin,	Joshua Atwood,	31
13 Argyle	Thomas Malone,	32
14 Harmony,	Peter Smith,	52
15 Britannia,	Jethro Covell,	48
16 Wellington,	Ben. Nickerson,	36
17 William Charles,	Samuel Ring,	47
18 Primrose,	W. Cunningham,	52
19 Cumberland Packet,	Thomas Gayton,	41
20 Star,	Walter Larkin,	40
21 Milo,	John Brown,	39
22 Norna,	Peter Teabo,	32
23 Minerva,	Joseph Banks,	36
24 Robert Wilson,	Simon Spinney,	31
25 Oracle,	Samuel Reynolds,	75
26 Hare,	William Taylor,	40
27 Maria,	Joseph Tooker,	37
28 Nelson,	Nehemiah Crowell,	44
29 Surprise,	Benjamin Bingay,	42

To Matthew Brannen, of the Secretary's Office, fifteen pounds as a mark of approbation of his uniformly obliging and courteous demeanour in the said office.

M. Brannen.

To William Kennedy, of Saint Stephens, in the County of Charlotte, the sum of ten pounds to assist him in the support of himself and family; he being very aged and indigent, and having served his country faithfully during the revolutionary war.

W. Kennedy.

To the Governor and Trustees of the Madras School in New-Brunswick, for the year one thousand eight hundred and thirty one, the sum of four hundred pounds towards the support of that institution throughout the Province.

Madras School.

To His Honor the President or Commander in Chief a sum not exceeding one hundred pounds, to be applied by him in rewarding persons for the apprehension of deserters from His Majesty's Land Forces within the Province; provided always, that no greater sum be paid for the apprehension of any one deserter than five pounds.

Apprehension
of Deserters.

To W. F. Odell, Esquire, Secretary of the Province, the sum of seventy five pounds for his services in issuing Warrants on the Treasury during the last year.

W. F. Odell,
Esquire.

To His Honor the President or Commander in Chief the sum of one hundred and fifty pounds towards the expenses of printing the daily Journals of the present Session.

Printing daily
Journals.

The sum of fifty pounds granted in the year one thousand eight hundred and thirty for the purpose of opening a Road along the County line in Gloucester, from the settlement in Tracadu to the great road leading from Miramichi to the Shire Town at Bathurst, to be reappropriated and expended in exploring and opening a Road from Tracadu to Pokemouche, in addition to the like sum of fifty pounds granted at this

Reappropriation of the
grant for the
road from the
settlement in
Tracadu to the
great road from
Miramichi to
Bathurst.

Session for the same purpose, it appearing by petition from the inhabitants of Tracadys that the said appropriation in one thousand eight hundred and thirty is not expedient.

Quarter Master General of the Militia.

To His Honor the President or Commander in Chief the sum of twenty five pounds to remunerate the Quarter Master General of the Militia Forces for his services in taking care of the Militia Arms.

Courier between Hopewell and the Bend of Pettitcodiac.

To His Honor the President or Commander in Chief the sum of thirty pounds, in aid of individual subscription, to pay a Courier passing between Hopewell and Bend of Pettitcodiac River in the County of Westmorland.

Printing Laws.

To His Honor the President or Commander in Chief the sum of sixty pounds, towards defraying the expense of printing the Laws of the present Session.

Encouragement of Oat Mills and Kilns.

To His Honor the President or Commander in Chief the sum of one thousand pounds for the purpose of encouraging the erection of Mills and Kilns in proper situations throughout the Province; no greater sum than twenty five pounds to be apportioned to the owner of any one Mill and Kiln; the said bounty not to be paid until it shall be certified to His Honor the President or Commander in Chief, by the Court of General Sessions of the Peace of the County within which such Mill and Kiln may be situate for which the bounty is claimed, that the same has been established at a convenient place for the accommodation of the inhabitants of the County, and are actually in operation and in every respect properly fitted for the manufacture of oatmeal; provided that no Mill or Kiln which may have received any previous bounty by virtue of any Law or Resolution heretofore made, shall be entitled to the bounty given by this Act.

W. Hannington, Junior.

To William Hannington, Junior, the sum of twenty five pounds as a compensation in having erected

erected an Oat Mill and Kiln in a central situation in the Parish of Dundas, County of Kent.

To the late Chairman of the Committee of Correspondence the sum of ten pounds as a reimbursement for postages paid by him on public letters.

Late Chairman of the Committee of Correspondence.

To William Watts the sum of fifteen pounds for airing and taking care of the Province Hall during the year one thousand eight hundred and thirty.

William Watts.

To the Commissioners of Light Houses in the Bay of Fundy the sum of five hundred pounds for the purpose of building a Light House on Point Lepreau; the same to be taken from the Light House fund.

Light House on Point Lepreau.

To the Commissioners of Partridge Island Light the sum of two hundred pounds, for the purpose of erecting a suitable Bell, to be placed on the Island as a guide to vessels in foggy weather; the same to be paid from the Light House funds.

Fog Bell on Partridge Island.

To His Honor the President or Commander in Chief the sum of two hundred and eighty pounds, to defray the expenses of the attendance of Members of the last Session of the General Assembly, in lieu of any payment or sum they may be entitled to by virtue of any Law then in force for the purpose, and also for the contingent expenses of such Session, agreeably to the following scale :

Attendance of Members &c. in the last Session of the General Assembly.

Speaker, the sum of twenty five pounds.

Nineteen Members' attendance, ten pounds each, one hundred and ninety pounds.

Clerk of the Council, the sum of fifteen pounds.

Clerk of the Assembly, the sum of fifteen pounds.

Assistant, the sum of ten pounds.

Sergeant at Arms of Council and Assembly, the sum of ten pounds.

Contingencies

Contingencies for Door Keepers, the sum of fifteen pounds.

Printing Council Journals.

To His Honor the President or Commander in Chief the sum of five hundred pounds towards defraying the expense of arranging, compiling and printing the Journals of the Legislative Council from the Commencement to the Session of one thousand eight hundred and thirty.

Copies of the Revised Edition of the Laws for Gloucester.

To the Clerk of the Peace for the County of Gloucester the sum of twenty seven pounds ten shillings, to enable him to provide copies of the revised edition of the Province Laws for the Magistrates and other Officers of the said County entitled to receive the same.

Joseph Cunard & Co.

To Messrs. Joseph Cunard & Co. of Miramichi, the sum of seventy pounds four shillings and four pence for drawback on Rum exported to Prince Edward Island and Cape Breton.

John Mannix.

To John Mannix the sum of eight pounds thirteen shillings, being for Duties twice paid on one hundred and seventy three gallons of Rum exported in the schooner Lively from Richibucto for Bathurst, but by stress of weather driven to Prince Edward Island, but afterwards returned to Richibucto.

Distressed Emigrants at Saint John.

To His Honor the President or Commander in Chief the sum of three hundred and twenty six pounds fifteen shillings and nine pence to reimburse the Justices of the Peace for the City and County of Saint John for expenses incurred within the City, for the year one thousand eight hundred and thirty, in assisting sick and distressed Emigrants arriving at the Port of Saint John, infected with small pox and fever.

Black Refugees at Loch Lomond.

To the Overseers of the Poor for the Parish of Portland the sum of eighty eight pounds nineteen shillings to reimburse them for expenses actually incurred in the year one thousand eight hundred and thirty, for the support and relief of Black Refugees settled by Government near Loch Lomond.

To

To His Honor the President or Commander in Chief the sum of three hundred pounds to be applied towards the building of Hammond River Bridge, in addition to the sums already granted for that purpose; such sum not to be paid until the bridge is completed.

Hammond river Bridge.

To His Honor the President, or Commander in Chief for the time being, the sum of one hundred pounds for the purpose of defraying such necessary expenses that may arise within the Province and not otherwise provided for.

Province contingencies.

To Commissioners to be appointed by His Honor the President the sum of fifty pounds for defraying the expenses of a Courier between Bathurst and Ristigouche in the County of Gloucester.

Courier between Bathurst and Ristigouche.

To His Honor the President or Commander in Chief the sum of four hundred pounds to defray any expenses that may be incurred in the protection of the Revenue of this Province.

Protection of the Revenue.

To His Honor the President or Commander in Chief the sum of seven hundred and fifty pounds to enable His Honor to defray the expenses of the Grammar Schools in this Province for the year one thousand eight hundred and thirty one, viz :—

Grammar Schools.

The Grammar School in Saint John one hundred and fifty pounds.

The Grammar School in Saint Andrews one hundred pounds.

The Grammar School in Northumberland one hundred pounds.

The Grammar School in Sunbury one hundred pounds.

The Grammar School in King's County one hundred pounds.

The Grammar School in Queen's County one hundred pounds.

The Grammar School in Kent one hundred pounds.

To

To defray balance due Captain Baxter.

To the Honorable Richard Simonds, Treasurer of the Province, the sum of two hundred and twenty pounds seventeen shillings to enable him to discharge any balance due Captain Baxter of the Revenue Cutter Defiance for the year one thousand eight hundred and thirty.

King's College.

To the Chancellor, President and Scholars of King's College at Fredericton, for the endowment of said College and the support of the Collegiate Schools, the sum of eleven hundred pounds for the year one thousand eight hundred and thirty one ; Provided that the annual sum of one thousand pounds sterling be granted by His Majesty, out of His Majesty's Casual Revenue of this Province, or from such other branch of His Majesty's Royal Revenue as he may be pleased to appoint for that purpose, agreeably to a law of this Province.

J. Simpson, Esq.

To John Simpson, Esquire, King's Printer, the sum of one hundred and forty nine pounds seventeen shillings and sixpence, being a balance due him for printing the Journals of the Assembly and Acts of the Legislature for the year one thousand eight hundred and thirty one ; also the further sum of ninety eight pounds one shilling and two pence for sundry insertions in the Royal Gazette for the past year.

Commissioners of Saint Paul's Island Light House.

To the Commissioners for erecting a Light House on Saint Paul's Island the sum of ninety five pounds seventeen shillings and sixpence to enable them to pay :—

Rankin, Cunard and Abrams, expenses incurred on board the King Fisher on a visit to the Island, the sum of forty six pounds seventeen shillings and sixpence :

Matthew Lamont, for services rendered, the sum of twenty four pounds ten shillings :

S. J. Frost, for services rendered, the sum of twenty four pounds ten shillings.

To John and I. G. Woodward the sum of three

three pounds one shilling and eight pence, being the amount of tonnage money taken for light duty on the brig Trafalgar, of the Port of Saint John, for passing through the Gut of Canso.

John and I. G. Woodward.

To His Honor the President or Commander in Chief the sum of one hundred and fifty pounds towards paying the expense of printing the Journals of the Legislature for the present Session.

Printing Journals.

Whereas a grant has been made to Lieutenant Colonel Love, Inspecting Field Officer of Militia, out of the King's Casual Revenue in this Province, of a large sum of money over and above the amount granted by the Legislature; and whereas it is fit and proper that a similar sum should be granted to Lieutenant Colonel Allen, the other Inspecting Field Officer: Therefore Resolved, that there be granted to Lieutenant Colonel Allen, for past services, the sum of one hundred and fifty pounds.

Lieut. Col. Allen.

To His Honor the President or Commander in Chief, to pay Thomas Heavyside, Esquire, the sum of one hundred and fifty pounds on account of his services as Auditor of the public Accounts.

Thomas Heavyside, Esquire.

To the Adjutant General of the Militia Forces the sum of seventy five pounds for his services for the year one thousand eight hundred and thirty one.

Adjutant General.

To the Commissioners of Government House the sum of two hundred and fifty one pounds, being a balance due them for repairs, &c. on the Government House for the past years.

Commissioners of Government House.

Whereas a grant of fifty pounds was passed by the House of Assembly, and concurred in by the Council, in the Session of one thousand eight hundred and thirty, in favour of His Majesty's Solicitor General for his services from the thirty first day of December one thousand eight hundred and twenty eight to the thirty first day of December following, which grant was by mistake omitted

Solicitor General.

omitted in the Appropriation Bill which passed during that Session: Therefore Resolved, that the said sum of fifty pounds be regranted to the said Solicitor General for the services aforesaid.

Circuit Courts.

To His Honor the President or Commander in Chief a sum not exceeding two hundred and fifty pounds to enable His Honor to pay the Judges of the Circuit Courts; and the sum of two hundred and fifty pounds to pay the Clerk of the said Courts.

Repairs to Province Hall.

To His Honor the President or Commander in Chief a sum not exceeding one hundred and fifty pounds for new shingling the roof and painting the outside of the Province Hall; such repairs to be made under the direction of a Commissioner to be appointed by His Honor the President for that purpose, who shall advertise for contracts for such necessary repairs, giving at least four weeks' notice for public competition, and who shall accept the lowest tenders for such repairs, which are accompanied with sufficient sureties for the due performance of such contract.

W. H. Lyon

To William H. Lyon, a settler on the Nerepis Road, the sum of ten pounds to remunerate him for assistance rendered to distressed emigrants, and to enable him to keep up an establishment for the accommodation of Travellers on that road.

Road from Gage-Town to Nerepis.

To His Honor the President or Commander in Chief the sum of one hundred pounds for improving the road from Gage-Town to Nerepis in Queen's County.

Contingencies of the Legislature.

To the Clerk of the House of Assembly the sum of four hundred and seventeen pounds to defray the contingent expenses of the present Session.

Light House on Machias Seal Island.

To His Honor the President or Commander in Chief the sum of seven hundred and fifty pounds to be applied to the erection of a Light House on Machias Seal Island, pursuant to the report

report submitted to this House by the Committee on Light Houses; to be taken from the Charlotte County Light House funds.

To the Justices of the Peace for the County of Saint John the sum of three hundred and fifty pounds towards enabling them to discharge a small part of a heavy debt due from the said County for the erection of the new Court House; the said amount not to be drawn from the Treasurer until the year one thousand eight hundred and thirty two.

Justices of the
Peace of Saint
John.

To His Honor the President or Commander in Chief the sum of one hundred pounds to be applied towards the support of a Light House on Brier Island, in the Province of Nova Scotia; also the sum of one hundred and twenty pounds towards the support of a Light House on Cranberry Island in the aforesaid Province; this grant is upon condition, that no vessel shall be charged with light money either owned in, or bound to or from any part of this Province.

Light House on
Brier Island.

Cranberry Isl-
and.

II. And be it further enacted, That all the before mentioned sums of money shall be paid by the Treasurer, by warrant of His Honor the President or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, out of the monies now in the Treasury, or as payments may be made at the same.

Money to be
paid by warrant
on the Treasu-
rer.

CAP. XLIX.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.

Passed 31st March 1831.

I. BE it enacted by the President, Council, and Assembly, That there be allowed and paid out of the Treasury of the Province, to such person or persons as His Honor the President or Commander in Chief for the time being shall appoint,

point, in addition to the sums already granted, the following sums for the purposes herein after mentioned :—

**GREAT
ROADS.**

Saint John to
the Nova Scotia
line.

The sum of twelve hundred and fifty pounds for the great road from Saint John to the Nova-Scotia Line ; six hundred and twenty five pounds (part of said sum) to be expended on that part of the road from the Great Marsh in Saint John to Hayward's mills on the Kenebekasis Portage ; and six hundred and twenty five pounds (other part thereof) from Hayward's mills to the Nova-Scotia Line ; out of which latter amount one hundred and fifty pounds to be applied towards finishing the bridge over the Memramcook river.

Saint John to
Saint Andrews.

The sum of eleven hundred and fifty pounds for the great road from Saint John to Saint Andrews ; one third part of said sum to be laid out between Magaguadavic and Saint Andrews.

Fredericton to
Saint John.

The sum of eight hundred pounds for the great road from Fredericton to Saint John by the Nerepis.

Dorchester to
Chediac.

The sum of two hundred pounds for the great road from Dorchester to Chediac.

Bend to Che-
diac.

The sum of two hundred and seventy five pounds for the great road from the Bend to Chediac.

Chediac to Ri-
chibucto.

The sum of seven hundred pounds for the great road from Chediac to Richibucto, and the repairs of the bridge over Chediac river.

Richibucto to
Chatham.

The sum of eleven hundred pounds for the great road from Richibucto to Chatham.

Newcastle to
Ristigouche.

The sum of ten hundred and fifty pounds for the great road from Newcastle to Ristigouche.

Fredericton to
the Canada line.

The sum of seven hundred pounds for the great road from Fredericton to the Canada Line.

Fredericton to
the Finger
Board.

The sum of three hundred and fifty pounds for the great road from Fredericton to the Finger-board.

The sum of one hundred and twenty five pounds

pounds for the great road from Bellisle to Saint John. Bellisle to Saint John.

The sum of two hundred pounds for the improvement of the road through the Great Marsh in Westmorland. Great Marsh in Westmorland.

The sum of two hundred pounds for the improvement of the great road through the Great Marsh in Saint John. Great Marsh in Saint John.

The sum of eight hundred pounds on the great road from Fredericton to Newcastle ; half of which sum to be expended from Fredericton to the residence of John J. Donald, Esquire, on said road. Fredericton to Newcastle.

The sum of one hundred pounds for the road from Richard Currie's to the high land upon Indian Point. BYE ROADS.
Queen's County.

The sum of forty pounds for the road from the County line to the Newcastle road ; one half thereof to be expended between Stephen Thorn's and the said road.

The sum of twenty five pounds for the road leading from the Newcastle road to that between Grand and Maquapit lakes.

The sum of ten pounds for the road from Maquapit lake to the Keyhoie.

The sum of twenty pounds for the road from Yeaman's mill to the Newcastle road.

The sum of twenty five pounds for the road from the Newcastle road to Hardwood ridge.

The sum of forty pounds for the road from the head of the Grand lake to McDonald's.

The sum of thirty pounds for the road from McDonald's to Salmon river mills.

The sum of fifty pounds for the road from New-Canaan to Butternut ridge.

The sum of twenty pounds for the road from Cox's point to Cole's creek.

The sum of twenty five pounds for the road from Cox's point to Cumberland Bay bridge.

The

Queen's County
Bye Roads con-
tinued.

The sum of fifty pounds for the road from the head of the Grand lake to Young's cove.

The sum of thirty pounds for the road from Wiggins's mill to Elliot's in the new settlement.

The sum of twenty five pounds for the road from Wiggins's mill to Washademoak.

The sum of twenty pounds for the road from Young's cove to George Farris's ; nine pounds of this sum to be paid to Alexander Brown, it being a balance due him for building a bridge.

The sum of twenty pounds for the road from George Farris's to Foster's mill.

The sum of twenty five pounds for the road from William White's to Hanselpecker's in the new settlement.

The sum of seventy five pounds for building a bridge at Gilbert Dykeman's brook, and improving the road to George Slip's.

The sum of thirty pounds from Grand lake to Washademoak.

The sum of thirty pounds for the road from Isaac Clark's to the New Jerusalem settlement.

The sum of twenty five pounds for the road from Sanburn's mill to the New Ireland road.

The sum of twenty pounds for the road from Mayes's to Merritt's.

The sum of fifty pounds for the road from Nathaniel Inch's to Zebulon Jones's mill.

The sum of twenty pounds for the road from Tyng's Creek to Otnabog bridge.

The sum of fifteen pounds for the road from Tyng's brook to Fox's farm.

The sum of ten pounds for the road from Dia-gee's mill to Jerard Simpson's.

The sum of twenty pounds for the road from New Canaan to Studholm's mill stream.

The sum of one hundred pounds for the road from Gagetown to the Nerepis.

County of Kent.

The sum of twenty five pounds for the road from Raphael Porrier's, at the Grand Dig, to Casey's at the Cocagne cape. The

The sum of ten pounds for the road leading from the main road to Barton's cove on the north side of Chediac river. Kent County
Bye Roads
continued.

The sum of thirty pounds to erect bridges over Burk's and Mill creek, and improve the road from Burk's to Cocagne bar.

The sum of thirty five pounds for the road from Thomson's to McLauchlan's road, on the south side of Cocagne river.

The sum of ten pounds for the road on the south side of Mahalawadiac river leading up to Finney's.

The sum of twenty five pounds for the road leading up the south side of the main Bouctouche river.

The sum of eight pounds to open and improve a road from the mouth of Chockpish to the new line of road from Buctouche to Richibucto.

The sum of thirty five pounds towards building a bridge over Child's creek, on the south side of Richibucto river, in addition to the grant of one thousand eight hundred and twenty eight.

The sum of sixty pounds for the road on the north side of the Richibucto river.

The sum of thirty five pounds towards the completion of the bridge over Daigle's creek, so called.

The sum of thirty pounds for the roads and bridges on the north and south side of the Kichibouguac river.

The sum of twenty five pounds for the road from Kichibouguac to Kichibouguacis.

The sum of fifteen pounds for the road leading from the great road, up the south side of Kichibouguacis river.

The sum of twenty seven pounds for the road from the mouth of Saint Nicholas river leading up stream, on the south side of Richibucto river.

The sum of thirty pounds for opening and improving the road from Saint Nicholas river through the woods to Ford's mill. The

County of West-
morland.

The sum of ten pounds for the road from Memramcook river to Gatons settlement.

The sum of forty pounds for the road from Beaujoggin to Sackville.

The sum of twenty pounds for the road from Shemogue to Teedish.

The sum of fifty pounds for the road from Harris Tingley's to Bay Verte.

The sum of ten pounds for the road from Bay Verte to Tignish river.

The sum of fifteen pounds for the road from Thomas Carter's to Crowson's mill.

The sum of thirty pounds for the road from George Kinnear's to Fairfield's.

The sum of ten pounds for the road from John Raworth's to Emigrant road.

The sum of thirty pounds for the road from Thomas Estabrook's, Junior, by David Amour's, to the great road leading to Chediac.

The sum of twenty five pounds for the road from Agreeen Tingley's to Beech Hill by Eliphallet Reed's.

The sum of fifty pounds for the road from Gaspereau river to Great Shemogue.

The sum of twenty pounds for the road from the main road on the great road in Sackville to Point Migick.

The sum of sixty pounds for the road and bridge from Bay Verte to George Dobson's.

The sum of ten pounds for the road from John Brownell's corner to the bridge over Long lake.

The sum of twenty pounds for the road from James Spence's to Stephen Trenholm's.

The sum of thirty pounds for the road from the Great Shemogue road to John Hand's.

The sum of thirty pounds for the road from Westcock to Cape Maranguin.

The sum of ten pounds for the road from Francis Lachar's to Joseph Belleveau's.

The sum of ten pounds for the road from the Great Marsh to Cole's Island. The

The sum of ten pounds for the road from Andrew Murray's to James Smith's on the Little Shemogue river.

County of West-
morland Bye
Roads continu-
ed.

The sum of fifteen pounds for the road from James Purdy's to George Buck's.

The sum of ten pounds for the road from Dorchester road to William Mitten's.

The sum of twenty pounds for the bridge over Scoudiac river.

The sum of ten pounds for the bridge near Samuel Rabicheau's.

The sum of twenty five pounds for road from New Horton to Cape Enrage, by David Oliver's.

The sum of ten pounds for the road from William Fillmore's to David Capp's.

The sum of fifteen pounds for the road from Cape Enrage to German Town lake.

The sum of twenty five pounds for the road from Hopewell to New Caledonia settlement.

The sum of fifteen pounds for the road from George Rogers's to the Woodworth settlement.

The sum of fifteen pounds for the road to and through Quinlan or Haley settlement in Hopewell.

The sum of forty pounds for the road from Widow Hamilton's, in Hopewell, to Hillsborough.

The sum of fifteen pounds for the road from Woodworth's to the New Caledonia Settlement.

The sum of ten pounds for the road from Daniel Tingley's to Dixon's.

The sum of thirty pounds for the road to Steves's mill stream, and for a bridge over said stream.

The sum of thirty five pounds for the road leading through Downing Village, in Dorchester, to Belleveau Village; seven pounds ten shillings of which to be expended on a bridge near Belleveau's.

The

County of West-
morland Bye
Roads continu-
ed.

The sum of ten pounds for the main road from Hillsborough to Henry Steves's.

The sum of forty pounds for the road from the Bend to the Irish Town settlement.

The sum of twenty pounds for the road from the Bend to the Mountain settlement.

The sum of ten pounds for the road from Job Steves's to the back settlement.

The sum of forty pounds for the road from George Colpitt's to M^r Latchy's bridge.

The sum of fifteen pounds for the road from Shearman's to the North river.

The sum of forty pounds for the road from Stephen Steves's, in Hillsborough, to Stoney creek.

The sum of ten pounds for the road leading to the Manudie French settlement.

The sum of fifteen pounds for the road from Robert Scott's to Benjamin Lounsbury's.

The sum of fifteen pounds for the bridge over the North river near Jones's.

The sum of fifteen pounds for the road from James M^r Fee's to John Jones's on the North river.

The sum of twenty pounds for the road from William Taylor's to Benjamin Lounsbury's, by way of George Cochran's.

The sum of ten pounds for the road from Thomas Colpitt's to Robert Smith's, Junior.

The sum of twenty pounds for the road from Ralph Colpitt's to John Parkin's and from thence to Henry Colpitt's.

The sum of ten pounds for the road from George Colpitt's mill to John Parkin's.

The sum of ten pounds for the road from Robert Leeman's to Henry Steves's.

The sum of ten pounds for the road from James Crandall's to James Hope's.

The sum of fifteen pounds for the road from John Wallace's to Lewis Steves's.

The

The sum of fifteen pounds for the road from John Wallace's to John Kelly's on Turtle Creek.

County of Westmorland Bye Roads continued.

The sum of thirty pounds for the road from Jeremiah Sears's to Daniel Cook's.

The sum of thirty pounds from Carron Point to the great road.

County of Gloucester.

The sum of fifteen pounds from John Lavine's to the Little river.

The sum of twenty five pounds for erecting a bridge over Little river.

The sum of ten pounds from Little river to Middle river.

The sum of twenty pounds from James Sutherland's to Bass river.

The sum of thirty pounds from the Shire Town of Bathurst to the Papineau river.

The sum of twenty pounds from the great road to the Tettagouche settlement.

The sum of twenty pounds from Teague's brook to Bass river.

The sum of twenty pounds from Teague's brook to Pokeshaw.

The sum of twenty pounds from Richard Dawson's to the Mill settlement.

The sum of ten pounds to improve the road down the bank at Pokeshaw.

The sum of ten pounds for improving passages down the Capes.

The sum of fifteen pounds from M'Donnell's cove to the Tettagouche river.

The sum of forty pounds for erecting a bridge over the northwest branch of Carraquet river, in aid of subscription.

The sum of eighty pounds from Pokeshaw to the intended bridge over the northwest branch of Carraquet river, through the Grand Aunce settlement.

The sum of fifteen pounds from the northwest branch of Carraquet river to the ferry on the southwest branch.

The

County of Gloucester Bye Roads *continued*.

The sum of eighty pounds for the portage between Pokemouche and Carraquet, according to the exploration of James Blackhall.

The sum of thirty pounds from Dalhousie to Robert Ferguson's mill stream.

The sum of twenty pounds from the lower part of the Carraquet settlement towards Shippagan.

The sum of twenty pounds for a bridge over the river Wough, to be erected where the Carraquet portage strikes the said river.

The sum of twenty pounds from the bridge to be erected on the river Wough to Joseph Sewell's.

The sum of fifty pounds to explore and open a road from Pokemouche to Tracaday.

The sum of forty pounds to finish the bridge over Benjamin river.

The sum of twenty pounds to erect a bridge over Nash's brook.

The sum of fifty pounds for a bridge over Louisong river, near Archibald M'Nair's.

The sum of twenty pounds for improving the road from the town of Dalhousie to the Charlefoix farm.

The sum of thirty five pounds for a bridge over Little Nipisiquit river, to aid subscription.

The sum of ten pounds for a bridge for foot passengers over Beldown river.

County of Charlotte.

The sum of twenty pounds from the bridge near M'Donald's to the lower mills, on the Digdeguash river.

The sum of fifteen pounds from Murphy's camp to Alexander Cameron's.

The sum of twenty pounds from John Roix's farm towards Saint George.

The sum of twenty pounds from John Stien's farm to the great road from Saint John to Saint Andrews.

The sum of twenty pounds from Andrew Bullock's to Letang river. The

The sum of thirty pounds from Charles Bullock's bill to Philo Sealy's.

County of
Charlotte Bye
Roads contin-
ed.

The sum of thirty pounds from Henry Sealy's intervale to Benjamin Hanson's.

The sum of thirty pounds to rebuild the bridge across Bucknam's mill stream.

The sum of seventeen pounds ten shillings from Malcolm Mealey's to the new settlement on the eastern side of Lake Utopia.

The sum of forty pounds from Alexander M'Kay's farm to Crow's harbour.

The sum of fifty pounds to Dominicus Milliken, to remunerate him in part for building a bridge over the Magaguadavic river.

The sum of seventy five pounds, for the new road from Milltown, in Saint Stephen, to the upper mills.

The sum of fifteen pounds for the road from the public landing in Saint Stephen to William Mabee's.

The sum of twenty pounds from the late Josiah Hitching's, by John Leeman's, to the line of Saint James's Parish.

The sum of forty pounds from the Saint James's line, by Hitching's mill, to Clarke's point.

The sum of fifteen pounds for the road from the Ledge in Saint Stephen to the Oak Bay road near Porter's mill, and thence to the Saint David's line.

The sum of ten pounds for the road from Alexander Sinclair's in Saint James, across the upper bridge, to the road leading to Hitching's mill.

The sum of twenty two pounds and ten shillings from Oakhill, in Saint James, to Maxwell's on the Saint David's road.

The sum of seventy pounds for the road from Chamcook settlement to Leonard Bartlett's, at Waweig, Saint Andrews.

The sum of fifteen pounds for the road from Jacob Carlow's to Chamcook lake, Saint Andrews.

The

County of Char-
lotte Bye Roads
continued.

The sum of fifteen pounds from Joe's Point to the Town of Saint Andrews.

The sum of twenty pounds from Daniel Grant's farm to the Poor House at Saint Andrews.

The sum of ten pounds from Alexander M'Curdy's to the main road leading towards Saint John, Saint Andrews.

The sum of fifty pounds from Saint Paul's Church, Grand Manan, to Seal Cove, and to assist in building a bridge over said Cove.

The sum of fifty pounds from said Saint Paul's Church to the new School House near Mr. Winchester's.

The sum of ten pounds to assist in building the bridge near Garcelon's Mills at the head of Oak Bay.

The sum of forty five pounds for the road from the head of Oak Bay to William Tower's.

The sum of fifteen pounds from Laurence Williams's to Joel Green's.

The sum of fifteen pounds from James M'Laughlin's to Duncan Cameron's.

The sum of ten pounds from the Church in Saint David to Samuel Thomas's.

The sum of ten pounds from John Hitching's in Saint David, to repair bridges on the road towards Saint Stephen.

The sum of fifteen pounds to rebuild the bridge at Pagan's mill cove.

The sum of twenty pounds for the road from M'Farlan's mills towards Pleasant Ridge.

The sum of twenty pounds from M'Farlan's mills to Laurence Williams's.

The sum of ten pounds from M'Farlan's mills to Turner's Ridge.

The sum of ten pounds from John Stewart's towards the School House on the eastern side of the Digdeguash.

The sum of ten pounds from Janet Morrison's towards Peter Morrison's.

The sum of fifteen pounds from the Baillie settlement to Peake's.

The

The sum of fifteen pounds from the Basswood Ridge in Saint James towards Saint Stephen.

County of Charlotte Bye Roads continued.

The sum of ten pounds from Milltown to the Little Ridge in Saint James.

The sum of thirty pounds to build a bridge over Swan creek.

The sum of ten pounds to repair a bridge over Burpe's mill stream.

County of Sunbury.

The sum of forty pounds to improve the road from William Bocrn's to Thomas Stennex's.

The sum of fifteen pounds from Daniel Wood's to the road leading to Ezekiel Sealy's.

The sum of twenty pounds from James Till's to Ezekiel Sealy's.

The sum of thirty pounds from Laurence Mercereau's through the Patterson settlement.

The sum of twenty five pounds from Jeremiah Smith's to the Gary road.

The sum of twenty pounds from Partelow's landing to Stephen Kinney's.

The sum of sixty pounds to build a bridge over the north branch of the Rushagoanis near Morgan's.

The sum of fifty pounds from Andrew Smith's to Thomas Hartt's mills.

The sum of twenty pounds from Andrew Smith's to Daniel Dow's.

The sum of forty pounds to assist in erecting a bridge over the north branch of the Oromocto at Hartt's mills.

The sum of thirty pounds to build a bridge over Mill brook, in the Parish of Sheffield, near the County line,

The sum of fifteen pounds from Burpe's mill to the river Saint John in the Parish of Sheffield.

The sum of forty pounds from the French lake road to the Little river mills in Sheffield.

The sum of thirty pounds from R. Kimball's farm to Burpe's mill in the rear of Burton.

The sum of one hundred pounds, in aid of individual

County of Sun-
bury Bye Roads
continued.

vidual subscription, to build a bridge over the south branch of the Oromocto at the King's landing.

King's County.

The sum of seventy five pounds to assist in building a bridge over Little river near Jones's mill.

The sum of thirty five pounds for the road from Bates's to Bostwick's.

The sum of ten pounds for the road from Moses Kimball's to the second tier of lots near William Geggy's.

The sum of thirty five pounds for the road from Lands End to Bostwick's.

The sum of twenty pounds for the road from Seely's point to the Kennebekasis.

The sum of ten pounds for the road from Grand Bay to John Fowler's.

The sum of ten pounds for the road from Lyons's to Milkish.

The sum of ten pounds for the road from John Stephenson's to Dennis Finley's.

The sum of fifteen pounds from Lands End to the north west side of the Milkish.

The sum of fifteen pounds for the road from James Brittain's mills, across Goose creek, to the Salmon rock on the Nerepis.

The sum of ten pounds for the road from Greenwich hill on the Long Reach to the second tier of lots near John Crabb's.

The sum of ten pounds for the road from Thomas Wallace's to James Brittain's mill.

The sum of ten pounds for the road from the settlement in the rear of Captain Whelpley's to the Neck road.

The sum of fifteen pounds for the road across Long Island in the Kennebekasis.

The sum of ten pounds for the road from Pickett's mill to Bellisle bay.

The sum of ten pounds from Isaac Perry's to the great road by the way of Ezekiel Flewellon's.

The

The sum of fifteen pounds for the road from the head of Long Island to the Long Reach near B. Crawford's, Esquire.

King's County
Bye Roads con-
tinued.

The sum of twenty five pounds for the road from Snider's to John Thompson's upper line.

The sum of fifteen pounds for the road from the Kennebekasis to Maybee's.

The sum of ten pounds for the road from Henry Peir's to Bellisle bay.

The sum of ten pounds for the road from James Peters's mill to the road leading from Bellisle to the Middle land road.

The sum of ten pounds for the road from Bellisle creek to Bates's mill.

The sum of fifteen pounds for the road from Calvin brook to a track of land granted to Jacob Pidgeon and others.

The sum of fifteen pounds for the road leading through the Irish settlement, near Crawford's brook, to Hugh Boyd's.

The sum of fifteen pounds for the road from near Joseph M. Perkins's through by Eli Northrop's, to the eastern Scotch settlement.

The sum of twelve pounds for the road from the main road near the Scotch church to the widow M'Cole's.

The sum of twelve pounds from the main road near the Scotch church to Peter Dewer's.

The sum of ten pounds for the road leading from the Irish settlement to the new church.

The sum of ten pounds for the road from the head of Tenant's cove towards Mill's ferry.

The sum of ten pounds for the road from Widow Shaw's to near Stephen Jones's.

The sum of ten pounds for the causeway in the rear of Vanwart's.

The sum of fifteen pounds for the road from James Wilson's to Peter Spragg's.

The sum of fifteen pounds for the road from John Little's to William McAllister's.

The

King's County
Bye Roads con-
tinued.

The sum of twenty five pounds for the road from near Robert McLeod's to Crabb's farm, and from thence to the finger board road near James Sherwood's.

The sum of eight pounds for the road from McGrigor's Mill to the main road.

The sum of ten pounds for the road from Reuben Sproule's to Musquash Brook.

The sum of fifteen pounds for the road from Roach's to Smith's creek bridge near Sproule's.

The sum of fifteen pounds for the road from Darling's to Long Creek.

The sum of twenty pounds for the road from Pearson's in the English settlement to Good's.

The sum of ten pounds for the road from Roach's to Ryan's.

The sum of fifteen pounds for the road from Benjamin Parlee's to the head of the settlement.

The sum of fifteen pounds for the road from the burying ground in Sussex to Campbell's.

The sum of fifteen pounds for the road from John McMonagle's to Campbell's.

The sum of ten pounds for the road from the old Cumberland road near Roach's to James Herritt's.

The sum of ten pounds for the road from Thomas Herritt's to Salt Spring road.

The sum of ten pounds for the road from David Keirstead's to the road leading to Good's mill.

The sum of ten pounds for the road from Ketchum's to the head of the settlement on Salmon river.

The sum of ten pounds for the road from Henry Stockton's to Beach's.

The sum of fifteen pounds for the road from Nickerson's cove to the main road between Ketchum's and Hennigar's.

The sum of eight pounds for the bridge between Norton church and D. B. Wetmore's.

The

The sum of fifteen pounds from Fortune Hodge's to the Mountain settlement.

King's County
Bye Roads con-
tinued.

The sum of five pounds to finish the Bridge near James Ryan's.

The sum of fifteen pounds from Joseph Baxter's to Deforest lake.

The sum of fifteen pounds from Pattacake brook to Drummond's.

The sum of ten pounds from the Pattacake road to lands granted to Curry and others.

The sum of fifteen pounds from Henry Jackson's to Barnes's by the way of Richard Smith's.

The sum of fifteen pounds from Captain Baird's to Fowler's.

The sum of ten pounds from John C. Robinson's to David Smith's.

The sum of ten pounds from Widow Smith's to Charles Robinson's.

The sum of fifteen pounds for the bridge near Captain Baird's.

The sum of ten pounds from Barnes's mill, on the south stream of Hammond river; to Jonathan Titus's on the north branch.

The sum of ten pounds from Henderson's to Barnes's mill.

The sum of ten pounds from the head of Sidequest lake to Shepody road, near the Baptist Meeting House.

The sum of ten pounds from Joseph Barnes's to the new Shepody road.

The sum of twenty five pounds to build a bridge over Mill creek, near D. B. Wetmore's.

The sum of fifteen pounds from Abel English's to the mill stream road.

To His Honor the President or Commander in Chief, the sum of seventy five pounds; to assist in building a bridge over Little river near Jones's mill in the Parish of Greenwich, King's County.

Miscellaneous
Bridge over
Little River.

To His Honor the President or Commander

Exploring road
to Saint An-
drews via Han-
well settlement.

in Chief, a sum not exceeding fifty pounds to be expended in exploring a new line of road from Fredericton to Saint Andrews, by the way of the Hanwell settlement.

Sussex Vale to
Saint John.

To His Honor the President or Commander in Chief, a sum not exceeding twenty five pounds for the purpose of exploring a proper line for a Post Road from Sussex Vale, by Loch Lomond, to the City of Saint John.

Mill bridge to
Indian House.

The sum of two hundred and fifty pounds towards widening the Aboideau near the City of Saint John, granted the last Session, be reappropriated, and that the same be applied under the direction of the Commander in Chief, towards the improvement and alteration of the road leading from the Mill bridge to the Indian House, in the County of Saint John; and also that a further sum of two hundred and fifty pounds be granted towards the improvement and alteration of the said last mentioned road.

Hammond river
to Hopewell.

To His Honor the President or Commander in Chief, the sum of two hundred pounds for the road leading from Hammond river to Hopewell, through the Emigrant settlement.

Oak Bay to
M'Lauchlan's.

To His Honor the President or Commander in Chief, the sum of twenty five pounds for the road from the head of Oak Bay to James M'Lauchlan's in the Parish of Saint David.

Breakwater on
the Nashwalk.

To His Honor the President or Commander in Chief, the sum of twenty pounds to be expended in erecting a Breakwater near Mr. Harrison's on the Nashwalk, to preserve a part of the great road from Fredericton to Newcastle; the said sum to be paid out of the money appropriated to that road the present Session.

Waweig to
Saint Andrews.

To Commissioners to be appointed by His Honor the President or Commander in Chief, the sum of seventy five pounds for the road from Waweig to Saint Andrews.

To His Honor the President or Commander
in

in Chief, the sum of twenty five pounds for the purpose of paying Commissioners to explore a proper route from Daniel Killick's on the north side of the Richibucto river, over to the Salmon river mills, and from thence to the river Saint John on the north side of the Grand lake.

Exploring route from Killick's on the Richibucto to the Saint John.

BYE ROADS
continued.

County of Saint John.

The sum of one hundred and twenty four pounds thirteen shillings and nine pence to reimburse the Mayor, Aldermen and Commonalty of the City of Saint John, for the money advanced by them the last year for the reparation of roads and bridges.

The sum of fifteen pounds for the road from Frog Pond to Cody's, Loch Lomond.

The sum of fifteen pounds for the road from Cody's, Loch Lomond, to the head of the Lake on Tyson's or Smith's farm.

The sum of seventy five pounds for the road from Vanhorne's to Quaco.

The sum of ten pounds for the road from the new Quaco road to Ten-Mile creek.

The sum of thirty pounds for the road leading from the old Quaco road to the Milliken settlement, and thence to Loch Lomond, on the lines lately explored under the direction of the Corporation.

The sum of forty pounds for the road leading from Johnston's on the old Quaco road through the Ryan settlement and leading near the Milliken settlement and to the new Quaco road.

The sum of fifteen pounds for the road from Cody's to the Bloomsbury settlement.

The sum of fifteen pounds for the road from Bloomsbury settlement to the Black river settlement near the shore.

The sum of twenty five pounds for the road from Cody's to the Caledonia settlement through the Black river settlement.

The sum of thirty pounds for the road from the Caledonia settlement through the Hibernia.

County of Saint
John Bye
Roads contin-
ued.

settlement, and thence onward to Quaco by the New Quaco road.

The sum of fifteen pounds for the road above Vanhorne's farm to the Ryan settlement.

The sum of thirty pounds for the road from Tabor's to Quaco.

The sum of twenty pounds for the road from Blakeslie's farm to Little river, across the marsh.

The sum of fifteen pounds for the road from Little river to Anthony's farm.

The sum of twenty pounds for the road from Anthony's farm to the Mispic settlement.

The sum of thirty five pounds for the road from Little river to Black river.

The sum of twenty pounds for the road from Black river to Quaco, by the shore route.

The sum of twenty pounds for the road from Little river to Loch Lomond.

The sum of twenty five pounds for the road to Dippo Harbour and Maces Bay.

The sum of fifteen pounds for the road from Sand Point to the city of Saint John.

The sum of ten pounds to open a road from the Shepody line to Martin's Head.

The sum of fifteen pounds for the road leading from Tyson's to Barnes's mill.

The sum of twenty five pounds for the road from Loch Lomond towards Smith's mill in King's County.

The sum of fifteen pounds for the road leading from the old Westmorland road to Whooton's farm, for removing rocks.

The sum of eighty pounds for the road from the head of the first Loch Lomond lake to the head of the third lake.

The sum of twenty pounds for improving the road on the west side of the large Quaco creek, being inundated by the sea.

The sum of twenty five pounds six shillings and three pence from the main road leading from
Smith's

Smith's farm to Cother's to the head of the second lake, and for a bridge over the thoroughfare.

The sum of twenty five pounds for the road between Lower Nequac to Upper Nequac.

County of
Northumber-
land.

The sum of twenty five pounds for the road from Burnt Church river to the lower line of lot number eighty one.

The sum of forty pounds to open the road from lot number eighty one to lot number seventy three inclusive, at Oak Point.

The sum of thirty pounds to build a bridge on Oyster river, and repair the road from thence to Moody's Point.

The sum of twenty pounds to assist in opening a road from the settlement in rear of Moorfield's to the settlement in the rear of Douglas Town.

The sum of thirty pounds to build a bridge on the little Esquedelock, in Alwick.

The sum of fifty pounds to assist in opening a road in a straight line from Newcastle towards Chaplain's Island.

The sum of twenty pounds to assist in opening a road to the new settlement in rear of Newcastle.

The sum of fifty pounds to assist in opening a road from the Wild Cat brook to the first granted land above the Indian reserve in the Parish of Northesk.

The sum of twenty pounds for the road from Caul's cove to Wild Cat brook.

The sum of fifty pounds for the road from Beaubear's point to the residence of Coppage and White, in Northesk.

The sum of forty pounds for the road from the northwest branch in Northesk, to the southwest branch of Miramichi river through Williams Town settlement.

The sum of twenty five pounds to David Crocker, Commissioner of Highways, towards remunerating

County of
Northumber-
land Bye Roads
continued.

nerating him for building a bridge across Parker's cove, on the great road between Fredericton and Newcastle.

The sum of thirty pounds to assist in opening a road from Alexander Donnelly's landing, on the southwest branch of Miramichi river, to the Horse-Shoe settlement, on Cain's river, in Blackville.

The sum of forty pounds to assist in opening a road from the settlement in rear of T. H. Peters's towards the Napan road in Chatham.

The sum of thirty pounds to assist in opening a road from near Reverend Samuel Bacon's to the second tier of lots in rear thereof.

The sum of fifty pounds for the road from Jardine's mill on Napan river to the mouth of said river.

The sum of fifty pounds for the road from William Gille's residence to the Widow Murdoch's.

The sum of twenty five pounds for the road from the southwest branch of Miramichi to the Cardigan settlement.

The sum of seven pounds ten shillings to William Craig, towards keeping windfalls out of the road from Nashwalk to Miramichi on the great road.

The sum of fifty pounds towards building a bridge over Clarke's Cove, in Chatham.

The sum of sixty pounds for building a bridge over the Bartibog between the Parishes of Newcastle and Alnwick.

The sum of thirty two pounds ten shillings to repair a bridge at Donald M'Kay's in Northesk, and improve the road from his residence to Newcastle.

County of York.

The sum of twenty pounds for the road from Salmon river to Henry Bowmaster's.

Fifteen pounds for the road from Bowmaster's to Tobique.

Fifteen

Fifteen pounds for the road from Tobique to Muineck.

County of York
Bye Roads
continued.

Ten pounds for the road from Muineck to Fitzherbert's.

Fifteen pounds for the road from Fitzherbert's to Munquat.

Ten pounds for the road from Munquat to the lower line of the Parish of Kent.

Ten pounds for a road leading to a new settlement in rear of Fitzherbert's.

Twenty pounds for a road leading from Benjamin Tibbitts's to Benjamin Sloom's.

Ten pounds for a road from the White Marsh to Green's.

Ten pounds for a road leading to a settlement on the Gusaguit in rear of Wright's farm.

Fifteen pounds for the road from N. Laskee's to John Clark's on the Peckagomic.

Thirty pounds for the road from Samuel Estabrooks's, on the Peckagomic, to the river.

The sum of fifteen pounds for the road from Thomas Burlock's to a back settlement.

Ten pounds for the road from Thomas Carle's to a back settlement.

Twenty pounds for the road from William Gray's to Arden Dickenson's.

Thirty pounds for the road from Benjamin Noble's to the Peckagomic.

Thirty pounds for the road from Andrew Scott's to the lower line of Mr. Slason's farm.

Ten pounds for the road from James Yorke's to Jesse Churchill's.

Ten pounds for the road from a settlement on the Little Presqu' Isle to the river.

Ten pounds for the road from Willard Chapman's to McGrath's.

Fifteen pounds for the road from McGrath's to Kearney's.

Fifteen pounds for the road from William Lindsay's to the Forks of the Medusnakik, to be expended

County of York
Bye Roads
continued.

expended in improving the road through a swamp.

The sum of fifteen pounds for the road from the settlement on the Medusnakik to John Kearney's.

Fifteen pounds for the road from James Page's to Charles Palmer's.

Twenty pounds for the road from John Marven's to Benjamin Churchill's.

Twenty pounds for the road from John Newcombe's to Andrew Lindsay's, crossing the seventh tier of lots.

Fifteen pounds for the road from McGrath's to Fletcher's crossing the sixth tier of lots.

The sum of thirty pounds for the road from the river to James Yorke's.

Thirty pounds for the road from the river to James Yorke's to the road on the fourth tier of lots.

Fifteen pounds for the road from Rufus Payson's mill to the Forks of the Medusnakik.

Fifteen pounds for the road from Ralph Beardsley's in Woodstock to the river.

Ten pounds for the road from Carter's to a back settlement.

Forty pounds for the road from the Church lot in Woodstock through the new settlement south of Richmond.

The sum of fifteen pounds for the road from John D. Beardsley's to a back settlement.

The sum of fifteen pounds for the road from Andrew Blair's to Robert Kent's farm.

The sum of fifteen pounds for the road from Peabody's grist mill to the Scotch settlement.

The sum of twenty pounds for the road from John M'Laughlan's to Eel river.

The sum of twenty pounds for the road from Abraham Estey's to the Shugomock.

The sum of twenty pounds for the road from Shugomock to Poquoick.

The

The sum of fifteen pounds for the road from Abraham Estey's to the Howard settlement.

County of York.
Bye Roads
continued.

The sum of seventeen pounds and ten shillings for the road from Poquiock to the Church in Prince William.

The sum of twenty five pounds for the road from Ellegood's to Garden's creek.

The sum of ten pounds for the road from Nicholas Barker's to James Scott's, a back settlement.

The sum of twenty pounds for the road leading from the main road in Prince William along West's line to Poquiock settlement.

The sum of twenty five pounds for the road leading from the main road to M'Lean's on the Lake George settlement.

The sum of ten pounds for the road from Humphrey Pickard's to the School House.

The sum of fifteen pounds for opening a road from Henry Kitchen's to M'Lean's on the east side of Lake George.

The sum of fifteen pounds for the road from Lake George to Magundy.

The sum of twenty two pounds and ten shillings for the road leading to the upper Caverhill settlement.

The sum of fifteen pounds for the road from Hazelton's to Andrew Oliver's in lower Caverhill settlement.

The sum of ten pounds for the road from F. Staples's to Jeremiah Cristy's.

The sum of twenty five pounds for the road from the main road opposite the head of Great Bear Island to Thomas Armstrong's on the Scotch Lake.

The sum of twenty five pounds for the road from Alexander Mitchell's to George Stewart's.

The sum of twenty two pounds and ten shillings for the road from Jewett's mills to David Nichols's in the Mactuquack settlement.

County of York
Bye Roads
continued.

The sum of twenty pounds for the road from Mauseroll's to De Veber's in the Parish of Queensbury.

The sum of seventeen pounds ten shillings for the road from Mauseroll's at the ferry to the lower line of the Parish of Queensbury.

The sum of fifteen pounds for a bridge over Cliff's creek.

The sum of ten pounds for the road from Jacob M'Keen's to Jewett's mills.

The sum of twenty five pounds to finish the bridge at Jewett's mills.

The sum of twenty pounds to cut down the hill and build a bridge above Nehemiah Estey's.

The sum of twenty pounds to alter the road between Whitman Haines's and Sisson's in Douglas.

The sum of twenty pounds for the road from Pickard's mill to Estey's mill.

The sum of twenty two pounds and ten shillings for the road from Samuel Bird's to Charles King's.

The sum of twenty pounds for the road from Samuel Bird's to Alexander Wilson's.

The sum of fifteen pounds for the road from Charles King's to Estey's mill.

The sum of forty pounds for the road from Cardigan to the upper part of Tay Creek settlement.

The sum of twenty five pounds for the road from Edgar's settlement in New Maryland to the County line.

The sum of twenty five pounds to open a road from Cardigan settlement to the south west branch of the Miramichi river.

The sum of seven pounds and ten shillings to be paid to William Craig, a settler on the Miramichi Portage, for keeping the road over the Portage clear of Windfalls.

Money to be

II. And be it further enacted, That the said several

several and respective sums of money and every part thereof shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the said several roads and bridges, or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided ; and the several and respective persons who shall be intrusted with the expenditure of the said several and respective sums, shall give due notice, by public advertisement, of the time and place where they propose to expend the same, and shall let out the said work by public auction, excepting where the situation of the roads are such that in the opinion of the said Supervisor or Commissioner it would be advisable that the work should be done by the day ; in such case they are hereby authorized to expend one quarter part of the several sums so intrusted to them by day's work ; and the said Supervisor or Commissioner 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 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 Secretary's Office to be laid before the General Assembly at the next Session ; and such Commissioner or Person intrusted with the expenditure of the several and respective sums of money shall stand charged and chargeable with all sums intrusted to them, and not accounted for as aforesaid, and shall repay the same into the Province Treasury ; Provided always, that no contract shall be made or entered into by any Supervisor or Commissioner for a greater amount than the sum of twenty pounds except for building bridges.

paid to those who work or furnish materials.

Duty of Commissioners with respect to sums intrusted to them.

No contracts to exceed twenty pounds except for bridges.

Compensation
to Commission-
ers.

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 centum* out of the said sums so intrusted to them, respectively, together with a reasonable compensation for actual work and labour performed by them on the said several roads and bridges.

Money to be
paid by War-
rant on the Trea-
sury.

IV. And be it further enacted, That all the before mentioned several and respective sums of money shall be paid by the Treasurer, by warrant of His Honor the President or Commander in Chief for the time being, by and with the advice 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: