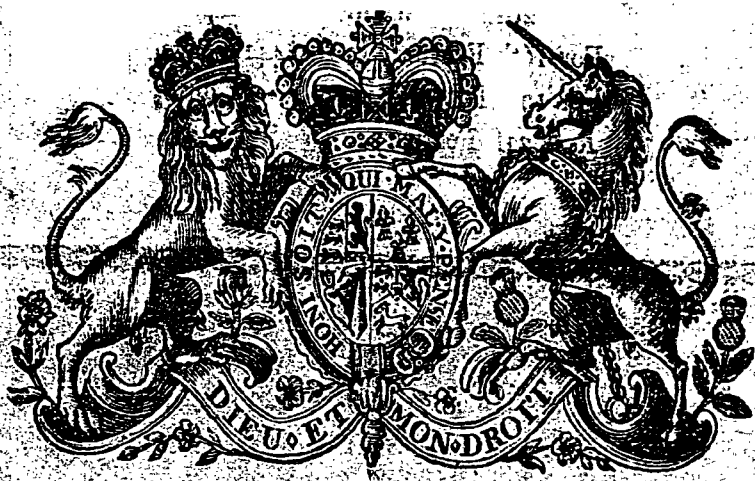


ACTS
OF THE *Pro. Westm.*
GENERAL ASSEMBLY

OF
His MAJESTY'S PROVINCE

OF
NEW BRUNSWICK,

PASSED IN THE YEAR 1801.



SAINT JOHN:

Printed by JOHN RYAN, No. 58, Prince William-Street;
PRINTER to the KING'S MOST EXCELLENT MAJESTY:

1801.



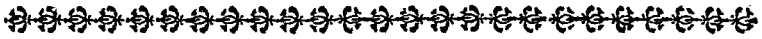
E R R A T A.

For 14th February in the 431st page,
For 14th February in the 433d page,
For 14th February in the 435th page,
For 18th February in the 436th page,
For 11th February in the 438th page,
For 11th February in the 439th page,
For — ditto — ditto,
For 12th February in the 440th page,
For 16th February in the 441st page,
For 19th February in — ditto,
Read 21st February.

Corrected



Rec. Aug. 14, 1906.

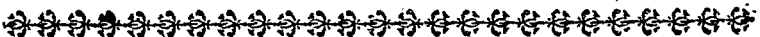


ANNO REGNI

Georgii III. Britanniarum Regis,
QUADRAGESIMO PRIMO.

AT the GENERAL ASSEMBLY of the Province of NEW-BRUNSWICK begun and holden at FREDERICTON on the NINTH day of FEBRUARY, *Anno Domini* 1796, in the THIRTY-SIXTH Year of the Reign of our Sovereign Lord GEORGE the THIRD by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c.

And from thence continued by several prorogations, to TUESDAY the TWENTIETH day of JANUARY, 1801; in the FORTY-FIRST Year of the Reign of our said Sovereign Lord GEORGE the THIRD, by the Grace of GOD, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. being the Fifth Session of the Third GENERAL ASSEMBLY of said Province.



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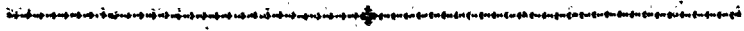


L A W S

OF THE

PROVINCE OF NEW-BRUNSWICK.

[Passed the 21st of February, 1801.]



C A P. I.

An ACT for raising a Revenue in this Province.

Exp. 1801
X

I. *Be it enacted by the Lieutenant Governor, Council and Assembly,*

THAT from and after the first day of April next, there be and hereby is granted to His MAJESTY, his Heirs and Successors, for the use of this Province and for the support of the Government thereof, the several rates and duties on the articles herein after mentioned, which shall or may be brought or imported into any port or place within this Province, to be paid by the importers thereof, that is to say; for every gallon of Rum, *six pence*; for every gallon of Brandy, Geneva, and all other distilled spirituous Liquors, *eight pence*; and for every gallon of Wine, *nine pence*.

Duties per gallon;
on Rum 6d. Bran-
dy, Geneva, and
other distilled spi-
rituous Liquors,
8d. Wine 9d.

II. *And be it further enacted,* That the rates, duties and imposts to be raised and paid by virtue of this Act, shall be paid at the time of the importation of such articles into the City and County of Saint John, unto the Treasurer of the Province or his Deputy, to be appointed in the manner herein after mentioned, and at every other port or place to his Deputy or Deputies in such County respectively where the same shall be imported, unless such duties on any one cargo shall amount to more than ten pounds and shall not exceed fifty pounds, in which case the Treasurer or his Deputy, upon such owner or importer giving bond with good and sufficient security in double the amount of the duties payable upon the articles specified in the report, may take the same payable in three months; and if the said duties shall amount to more than fifty pounds and shall not exceed one hundred pounds, bonds may be so taken payable in six months; and if the same shall amount to one hundred pounds and upwards, bonds may be so taken payable in nine months.

To be paid at the
time of importation

unless they amount
to more than 10l.
and upwards, then
bonds payable in 3
months.

If more than 50l.
in six months.

To 100l. and up-
wards nine months.

III. *And be it further enacted*, That every master, owner, and consignee of any ship, vessel, or coasting craft coming into any Port or Harbor of this Province, shall, within twenty-four hours after his arrival, and before breaking bulk, make report in writing by them subscribed and upon oath, to the said Treasurer or his Deputy; of all the packages or articles on board such ship, vessel, or coasting craft, whether dutiable or not, describing the same; and shall also make oath that there has not, to their knowledge or belief, been landed or permitted to be landed or taken from on board such ship, vessel, or coasting craft, any such articles within this Province or any of the coasts thereof since his sailing from the port or place where such articles were laden on board for exportation; and in case of refusal or neglect by any such master, he shall be liable to the penalty of one hundred pounds: and if any dutiable goods shall be landed in any part of this Province before entry and report made as aforesaid, or not being duly entered as aforesaid, shall be found on board any ship, vessel, or coasting craft after such entry made, or if any such articles shall have been landed from any ship, vessel, or coasting craft after report made as aforesaid, other than were specified in such Report or Manifest, or for which a Permit shall not have been obtained agreeable to the provisions of this Act, such dutiable articles so landed or found on board contrary to the true intent and meaning of this Act, shall be, and the same are hereby declared to be forfeited; and shall and may be seized by such Treasurer or his Deputy, and information made, and proceedings to condemnation had in the Supreme Court: and the master of such ship, vessel, or coasting craft, and each and every person concerned shall be liable to the penalty of one hundred pounds. And all penalties and forfeitures incurred by virtue of this Act, after deducting the costs and charges of prosecution together with all reasonable charges that may have occurred, shall be paid as follows, that is to say—one half part to the Officer seizing and prosecuting the same to condemnation, and the residue into the hands of the Treasurer of the Province for the use thereof. And it shall and may be lawful to or for the said Treasurer, and his Deputies or either of them, authorized by Writ of Assistance under the Seal of His MAJESTY'S Supreme Court or any Inferior Court of Common Pleas, issued with the allowance or fiat of one of the Judges on affidavit duly made, to take the High Sheriff in person or his Deputy, or any Coroner or Constable, and in the day time to enter and go into any house, store, warehouse, or out-house, and in case of resistance, to break open doors, and open and examine casks, chests, or other packages; there to seize and from thence to bring, any kind of goods or merchandise whatsoever so landed as aforesaid, contrary to the provisions and the true intent and meaning of this Act, and for which any duties are payable and ought to have been paid or secured to be paid by this Act.

IV. *And be it further enacted*, That for the recovery of all such duties as are imposed by this Act, and shall not be paid at the times limited for the payment thereof respectively as aforesaid

aforefaid after the entry thereof, the faid Treafurer is hereby authorized and directed to caufe Procefs to be iffued againft all and every perfon and perfons who fhall ftand indebted for duties longer than the refpective times allowed for the payment thereof. And if the faid Treafurer fhall not, within one month after the expiration of the refpective periods hereby limited for the payment thereof, caufe Procefs to be made for any duties to arife by virtue of this Aft, he fhall be answerable for the fame.

Treasurer to put bonds in fuit if not paid in time;
or be answerable for the fame.

V. *And be it further enacted*, That the Treafurer of the Province, for the time being, fhall nominate fit perfons (to be approved of by the Lieutenant Governor or Commander in Chief) in the feveral Counties in this Province, to receive the feveral duties laid and impofed by this Aft; which perfons fo appointed, fhall give good and fufficient fecurity to fuch Treafurer for the faithful difcharge of their duty, and be accountable for all fums fo to be received by virtue of this Aft, to the Treafurer when thereunto required: which perfons, fo appointed, fhall have the fame powers to make feizures and proceed to condemnation, as are given to the Treafurer by virtue of this Aft; and may retain ten pounds for every hundred pounds they fhall fo receive, in full for their trouble and fervices, exclusive of their proportion of the proceeds of any goods they may feize by virtue of this Aft.

Treasurer to nominate Deputies to be approved of by the Lieut. Governor,
who are to give fecurity,
and fhall have power to make feizures.
Allowed ten per cent.

VI. *And be it further enacted*, That all the money to arife by virtue of this Aft, fhall remain in the Treasury until the fame fhall be difpofed of by an Aft or Afts of the Legislature of this Province to be paffed for that purpofe.

Monies to remain in the Treasury till difpofed of by Law

VII. *And be it further enacted*, That it fhall and may be lawful for the Treafurer of the Province, in cafe of ficknefs or neceffary abfence from the City and County of Saint John, to appoint a fit perfon to aft as his Deputy in the fame City and County, for whole afts the faid Treafurer fhall be refponfible; which Deputy fhall have the fame power and authority to aft in every refpect as any Deputy of the Treafurer in any other County of this Province can or may have by virtue of this Aft: PROVIDED ALWAYS, that fuch Deputy fhall not be entitled to the allowance of ten per cent. hereby given to the other Deputies, nor to any other allowance, any thing herein contained to the contrary notwithstanding.

Treasurer in cafe of ficknefs, &c. to appoint a Deputy in St. John,
who has no allowance.

VIII. *And be it further enacted*, That from and after the entry of any fhip, vefTel, or coafting craft at the Treafurer's office there fhall be a permit or permits made out and directed by the Treafurer, to fome perfon to be appointed by the Lieutenant Governor or Commander in Chief for that purpofe, (who fhall be fworn to the faithful difcharge of his duty) expreffing the quantity of the feveral dutiable articles contained in the faid fhip, vefTel, or coafting craft as entered at the Treafurer's office; and if after fuch entry made at the Treafurer's office as aforefaid, there fhall be found landed from, or on board

Permits to be made out by the Treafurer.

board such ship, vessel, or coasting craft, any dutiable goods not duly entered at the Treasurer's office agreeable to the directions of this act; or if any such dutiable goods shall at any time be found to have been landed from any ship, vessel, or coasting craft contrary to the provisions of this Act, or without a Permit for that purpose obtained as aforesaid, the master of such ship, vessel, or coasting craft, and each and every person concerned shall be liable to the penalty of one hundred pounds; and such person so to be appointed, is hereby authorized and required to detain all such goods as aforesaid, and shall immediately make report thereof to the Treasurer or his Deputy, who is hereby empowered to seize and prosecute the same to condemnation—And all such goods, so seized, are hereby declared to be forfeited, and shall be proceeded against as directed in the third section of this Act. And such person so detaining such goods, shall have and receive one moiety of the part of such forfeiture herein before directed to be paid to the officer seizing and prosecuting the same.

Dutiable goods landed or found on board after entry, &c. contrary to the provisions of this act,

every person concerned liable to the penalty of 100l.

Tide Surveyor to detain goods and report to the Treasurer, who is to prosecute, &c.

Forfeitures how applied.

IX. And be it further enacted, That every master, owner, or consignee of every ship, vessel or coasting craft, coming into any port or harbor in this Province, shall, before bulk be broken, pay or give security as aforesaid for the payment of the duties imposed by this Act, upon all and every of the dutiable articles on board such ship, vessel, or coasting craft.

Master, owner and consignee before breaking bulk to pay or give security.

PROVIDED ALWAYS, That if any part of the Rum, Brandy, Geneva, or Wine, imported as aforesaid, shall at the time of entry thereof as aforesaid at the Treasurer's office, be reported for exportation in the same ship, vessel, or coasting craft, the duties shall not be required to be paid, or secured to be paid, for such Rum, Brandy, Geneva, or Wine so reported.

Goods reported for exportation, duties not to be demanded.

X. And be it further enacted, That if it shall, at any time, be found that any Rum, Brandy, Geneva, or Wine, so reported for exportation, has been landed contrary to the provisions of this Act, every ship, vessel, or coasting craft, in which the same was imported, shall be forfeited; and shall and may be seized and prosecuted to condemnation in the manner herein before mentioned.

Articles so reported being clandestinely landed,

vessel forfeited.

XI. And be it further enacted, That from and after the commencement of this Act, there shall be allowed on the following articles which shall have been imported into this Province, on the same being exported out of the Province, (provided two hundred gallons or more are exported in one vessel at one time) the following drawbacks, to wit: on every gallon of Rum, *five pence*, on every gallon of Brandy or Geneva, *six pence*, and on every gallon of Wine, *six pence*, of the duties paid or secured to be paid on the several articles.

Drawback allowed upon exported articles.

XII. And be it further enacted, That the drawback herein before directed to be paid on the before recited several articles exported out of this Province, shall, upon the same being so exported

To be paid upon oath made by the

ported within three months from the said importation, be paid by the Treasurer to the exporter thereof out of the monies arising from the duties on the said articles, upon the said exporter making the following oath, by him subscribed, within six months after the exportation as aforesaid, viz.

" I do swear that I have exported out of this Province, in
 " the , whereof was master, gallons of ,
 " and that the same was imported into this Province in the
 " , whereof was master, and legally entered on the
 " day of and the duty imposed on the said
 " by an Act of this Province, has been paid or secured to be paid
 " upon the same and on every part thereof, and that the said
 " has been actually landed in some port or place without this Pro-
 " vince, and not in any port or place of the United States of America
 " to the Eastward of Machias Harbor, to the best of my knowledge
 " and belief."

Oath of exporter,

And, for the better preventing of frauds herein, bonds shall be given with sufficient securities in double the value of such articles so to be exported, that the same or any part thereof shall not be clandestinely re-landed in this Province, nor in any port or place in the United States of America to the Eastward of Machias Harbor.

Bonds to be given that exported articles shall not be re-landed.

XIII. *And be it further enacted,* That if any of the before specified articles shall be fraudulently re-landed in any port or place in this Province, after shipment for exportation, the same shall be forfeited, proceeded against, and applied in the manner herein before directed.

Articles fraudulently re-landed to be forfeited and applied as aforesaid.

XIV. *And be it further enacted,* That if it shall be discovered at any time within one year, after the drawback shall be received upon the exportation of any Rum, Brandy, Geneva, or Wine as aforesaid, that any of those articles have been fraudulently landed contrary to the condition of the bond given for the exportation thereof as aforesaid, the owner of such Rum, Brandy, Geneva or Wine, shall and may be prosecuted therefor by His MAJESTY'S Attorney General by bill, plaint or information, in the Supreme Court; and upon due conviction thereof shall forfeit and pay for each offence the sum of one hundred pounds.

If discovered within a year after drawback received to have been fraudulently re-landed,
owner to be prosecuted
and fined 100l.

XV. *And be it further enacted,* That the quantities of Rum, Brandy, Geneva and Wine so imported, shall be ascertained by the instrument commonly called Gunter's Callipers and by no other instrument whatever, and shall be so gauged by a sworn Gauger or Gaugers legally appointed or to be appointed, for that purpose; in the City of Saint John by the Lieutenant Governor or Commander in Chief of this Province for the time being; and in the several and respective Counties by the Justices in their Sessions. *Provided,* that no Gauger shall gauge any dutiable article his own property or consigned to him within this Province.

Rum, &c. to be gauged by Gunter's Callipers
by sworn Gaugers.
No Gauger to gauge his own, or property consigned to him

XVI. And be it further enacted, That every person who shall be convicted of making or taking a false oath to any of the facts herein directed or required to be sworn, shall be deemed guilty of perjury; and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

False oath under this act made perjury.

XVII. PROVIDED ALWAYS, and be it further enacted, That no goods imported into this Province and consigned to any person in the Province of Nova-Scotia, shall be liable to any of the duties imposed by this Act, but such goods may be landed and re-shipped for the said Province, provided they are exported within ninety days in the same packages they were landed, and the consignee make oath, before the Treasurer or his Deputy, that such goods were originally shipped for the purpose of being conveyed into the Province of Nova-Scotia and not intended for sale or consumption in this Province, and that the said goods are re-shipped in the same state and packages they were landed and received by him.

Goods imported into this Province consigned to Nova-Scotia, not liable to duties, provided they are exported within 90 days in the same packages and the consignee make oath to the facts.

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 two, and no longer, except for the recovery of any penalties inflicted in and by the fourteenth section of this Act.

C A P. II.

An ACT for the rendering Justices of the Peace more safe in the execution of their office; and for indemnifying Constables and others acting in obedience to their Warrants. Passed the 21st of February, 1801.

Preamble.

WHEREAS Justices of the Peace are discouraged in the execution of their office by vexatious actions brought against them for, or by reason of small and involuntary errors in their proceedings; and whereas it is necessary that they should be (as far as is consistent with justice, and the safety and liberty of the subjects over whom their authority extends) rendered safe in the execution of the said office and trust: And whereas it is also necessary that the subjects should be protected from all wilful and oppressive abuse of the several Laws and Statutes committed to the care and execution of the said Justices of the Peace;

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Writ shall be sued out against, nor any copy of any Process at the suit of

of a subject shall be served on any Justice of the Peace for any thing by him done in the execution of his office, until notice in writing of such intended Writ or Process shall have been delivered to him, or left at the usual place of his abode, by the attorney or agent for the party who intends to sue or cause the same to be sued out or served, at least one Calendar month before the suing out or serving the same; in which notice shall be clearly and explicitly contained, the cause of action which such party hath or claimeth to have against such Justice of the Peace; on the back of which notice shall be endorsed the name of such attorney or agent, together with the place of his abode, who shall be entitled to have the fee of *ten shillings* for the preparing and serving such notice, and no more.

against a Justice of the Peace for any thing done in the execution of his office, until notice in writing shall have been delivered to him or left at his place of abode, at least one month before the suing out or serving such writ containing the cause of action. Name and place of abode of attorney or agent to be indorsed on the back of the notice. Fee for preparing such notice.

II. *And be it further enacted*, That it shall and may be lawful to and for such Justice of the Peace at any time within one Calendar month after such notice given as aforesaid, to tender amends to the party complaining, or to his or her agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action, to be brought against him, grounded on such Writ or Process, together with the plea of *Not Guilty*, and any other plea with the leave of the Court; and if upon issue joined thereon, the Jury shall find the amends so tendered, to have been sufficient, then they shall give a verdict for the Defendant, and in such case or in case the Plaintiff shall become nonsuit or shall discontinue his or her action, or in case judgment shall be given for such defendant or defendants, upon demurrer, such Justice shall be intitled to the like costs as he would have been intitled unto in case he had pleaded the general issue only; and if upon issue so joined the Jury shall find that no amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants on such other plea or pleas, then they shall give a verdict for the Plaintiff, and such damages as they shall think proper, which he or she shall recover, together with his or her costs of suit.

Justice within one month may tender amends, and in case of non acceptance, may & plead such tender in bar with the plea of Not Guilty and any other plea with leave. Jury finding the amends sufficient to give a verdict for the Defendant. In what cases Defendant is to be entitled to costs. Jury finding no amends tendered or insufficient and against the Defendant on the other plea, to find for Plaintiff, with damages.

III. *And be it further enacted*, That no such Plaintiff shall recover any verdict against such Justice in any case where the action shall be grounded on any act of the Defendant as Justice of the Peace, unless it is proved upon the trial of such action, that such notice was given as aforesaid; but in default thereof such Justice shall recover a verdict and costs as aforesaid.

Plaintiff not to recover unless notice is proved to have been given.

IV. *And be it further enacted*, by the authority aforesaid, that in case such Justice shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him by leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he shall see fit; whereupon such proceedings; orders and judgments shall be had, made, and given in and by such Court, as in other actions where the Defendant is allowed to pay money into Court.

Justice neglecting to tender amends, may with leave of the Court pay such sum of money as he shall see fit, whereupon the Court shall proceed as in other actions where money is paid into Court.

No evidence admissible of any cause of action not contained in the notice.

V. *And be it further enacted*, That no evidence shall be permitted to be given by the Plaintiff on the trial of any such action as aforesaid, of any cause of action except such as is contained in the notice hereby directed to be given.

No action to be brought against any Constable or person acting by his order for any thing done in obedience to a warrant of a Justice,

until demand made of the perusal and a copy of the warrant

and refused or neglected for six days thereafter.

After compliance with such demand if any action shall be brought against such Constable or other person without making the Justice who signed the warrant, defendant on proving such warrant, the jury shall give a verdict for the defendant.

If the action is brought jointly against the Justice and Constable, &c.

On proof of the warrant, the jury shall find for the Constable or other person, &c.

In case of a verdict against the Justice the plaintiff shall recover costs so as to include the costs he is liable to pay to the other defendant.

VI. *And be it further enacted*, By the authority aforesaid, That from and after the passing of this act, no action shall be brought against any Constable, or other officer, or against any person or persons acting by his order, and in his aid, for any thing done in obedience to any warrant under the hand or seal of any Justice of the Peace, until demand hath been made or left at the usual place of his abode by the party or parties intending to bring such action, or by his, her or their attorney or agent in writing signed by the party demanding the same of the perusal and copy of such Warrant, and the same hath been refused or neglected for the space of six days after such demand; and in case after such demand and compliance therewith by shewing the said Warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such Constable, or other officer, or against such person or persons acting in his aid for any such cause as aforesaid without making the Justice or Justices who signed or sealed the said Warrant, Defendant or Defendants, that on producing or proving such Warrant at the trial of such action, the Jury shall give their verdict for the Defendant or Defendants, notwithstanding any defect of jurisdiction in such Justice or Justices, and if such action be brought jointly against such Justice or Justices, and also against such Constable or other officer, or person or persons acting in his or their aid as aforesaid, then on proof of such Warrant the Jury shall find for such Constable or other officer, and for such person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction, as aforesaid; and if the verdict shall be given against the Justice or Justices, that in such case the Plaintiff or Plaintiffs shall recover his, her or their costs against him or them to be taxed in such manner by the proper officer as to include such costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants, for whom such verdict shall be found as aforesaid.

Where the plaintiff recovers against a Justice if the Judge certifies the injury to have been wilfully and maliciously committed, Plaintiff entitled to double costs.

VII. PROVIDED ALWAYS, That where the Plaintiff in any such action against any Justice of the Peace shall obtain a verdict, in case the Judge before whom the cause shall be tried, shall in open Court certify on the back of the Record that the injury for which such action was brought, was wilfully and maliciously committed, the Plaintiff shall be entitled to have and receive double costs of suit.

No action to be brought unless commenced within six months.

VIII. PROVIDED ALSO, *and be it enacted by the authority aforesaid*, That no action shall be brought against any Justice of the Peace for any thing done in the execution of his office, or against any Constable or other officer, or person acting as aforesaid, unless commenced within six Calendar months after the act committed.

C A P. III.

An ACT to repeal all the Acts now in force relating to Trespasses, and for making new Regulations to prevent the same. Passed the 14th of February, 1801.

WHEREAS the Acts now in force relating to Trespasses are found inconvenient, and it is necessary that new and further regulations be made to prevent the same—

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That an Act made and passed in the twenty-sixth year of His MAJESTY'S Reign, intituled "an Act for preventing Trespasses," and likewise an Act made and passed in the thirty-seventh year of His MAJESTY'S Reign, intituled "an Act to alter and amend an Act passed in the twenty-sixth year of His MAJESTY'S Reign, intituled "an Act for preventing Trespasses" be repealed, and the same are hereby repealed.

II. *And be it further enacted,* That the fences dividing improved lands belonging to any person or persons from improved lands belonging to any other person or persons, shall be erected, made and maintained at the joint and equal expence of the occupiers of the said lands lying on each side of such fence, or line whereon the fence is to be erected, on notice from the occupier of any such lands to the occupier of such adjoining lands, which fence shall be a good, strong, and sufficient fence, and not less than four feet six inches high. And in case any dispute shall arise between the occupiers of such lands on which the said fence should be erected, or the particular part or proportion of the fence to be erected by them, it shall and may be lawful to apply to the nearest Fence Viewer who is hereby empowered (notice being given to the parties to attend) to view such place where the same is proposed to be erected, and to determine the part or proportion that it may be equitable each of the occupiers of such improved lands should erect: And if either of the parties, after ten days notice of the determination of the said Fence Viewer, shall not make and erect his proportion of the said fence in the manner herein before directed, it shall and may be lawful for the Fence Viewer to make, or cause such part as is deficient to be made, or to authorize the other party to make the same, the labor in making such fence to be estimated at ten shillings per day for each day's labor, and recovered with costs of suit before any Court competent to try the same, together with all damages that may ensue in consequence of the neglect of the person refusing to erect his part of such fence. And where fences already made want immediate repair, the said Fence Viewer shall, on application, forthwith summon the parties concerned and view the same, and also direct such repair to be immediately made; and in case of the refusal or neglect of the party complained of, it shall be lawful for the Fence Viewer to repair

Preamble.

Former Acts relating to Trespasses repealed.

Division fences to be erected at the joint expence of the occupiers,

to be four feet six inches high.

In case of dispute, application to be made to the nearest Fence viewer, who is to determine the proportion each party is to erect.

If either party after ten days neglects to erect his part, Fence Viewer to make or authorize the other party to make the same.

Ten shillings per day allowed for making such fence, to be recovered with costs and damages from the party refusing.

Fences wanting repair, Fence Viewer shall direct the same to be done, and in case of refusal or neglect of either party, to make or

direct the other party to make such repair.

Value ascertained at the above mentioned rate, and recovered with damages.

Fence Viewer allowed 7s. 6d. per day, and for neglect of duty to forfeit 20s. half to complainant, remainder to the overseers of the Poor.

such fence, or direct the person complaining to make such repair, the value thereof to be ascertained at the rate above mentioned, and recovered in the manner before directed, together with all damages that may have arisen in consequence of the delinquent refusing immediately to repair such fence. *Provided Always,* that no Fence Viewer shall be allowed more than *seven shillings and six pence* per day for fence viewing—and if any Fence Viewer shall, when notified, neglect his duty, he shall, for every such offence, forfeit the sum of *twenty shillings*, to be recovered with costs by the person injured; one half thereof to the complainant and the other half to the overseers of the Poor of the Parish where the offence is committed.

Justices in their General Sessions to make other regulations for preventing Trespasses,

and to make regulations respecting Islands, &c.

Cattle, &c. found going at large contrary to regulations, owner to forfeit 5s. for each.

Recovered on complaint to a Justice of Peace.

III. *And be it further enacted,* That the Justices in their General Sessions of the Peace shall be and are hereby empowered to make such other regulations for preventing Trespasses by Horses, Swine, Sheep, Goats, and Neat Cattle, as shall be most expedient and agreeable to the nature and circumstances of the several Counties, Towns and Parishes. And the said Justices are further empowered to make such regulations relating to the Islands and Low Lands in their respective Counties as they may think necessary, and to determine and order what waters or water fences shall be necessary and sufficient for the protection of the same. And if any Horses, Swine, Sheep, Goats or Neat Cattle shall be found going at large, contrary to any regulations so made, the owner or owners thereof shall forfeit and pay to the use of the Poor of the Parish where such Horses, Swine, Sheep, Goats or Neat Cattle shall be so found going at large, a fine not exceeding *five shillings* for each and every of them so found going at large as aforesaid, to be recovered on complaint to a Justice of the Peace, who is hereby empowered to hear and determine the same, provided the said complaint be prosecuted within one month.

Occupiers of unimproved Land not obliged to erect part of the fence dividing the same from improved Lands.

IV. *PROVIDED ALWAYS, and be it further enacted,* That the owner or occupier of any wood, barren, or burned Land, and not under any improvement, but adjoining to improved or cultivated Lands, shall not be obliged to erect or make, or maintain any part of the fence dividing such wood, barren, burned or unimproved Land from Lands so improved or cultivated; any law usage or custom to the contrary notwithstanding.

Damages done by Cattle, &c. to be paid to the party injured

by appraisement of three freeholders, who are to be sworn

Cattle to be impounded and ad-

V. *And be it further enacted,* That when any damage shall be done by any Horses, Sheep, Swine, Goats or Neat Cattle, by breaking any field or enclosure fenced as aforesaid, or on the Islands and Low Lands contrary to any regulations so made, and destroying the produce thereof, the owner or owners of such trespassing Cattle shall pay to the party injured, the amount of such damages, to be ascertained by appraisement of three credible freeholders where such Lands lie, being sworn before a Justice of the Peace truly and impartially to value the same; and any such person or persons sustaining such injury may impound the said Horses, Sheep, Swine, Goats or Neat Cattle, and

and the Pound-keeper shall cause the same to be advertised as soon as may be. And if the owners thereof shall neglect to pay such damages, as also to the Pound-keeper *one shilling* per day for keeping each Horse or Neat Cattle, and *six-pence* per day for each Sheep, Swine, or Goat, with charges of advertising the same, within fourteen days after the same shall be impounded, such Horses, Cattle, Sheep, Goats or Swine, shall be publicly sold, or so many of them as may be necessary to defray the damages and charges, and the monies arising from such sale, after deducting the damages and charges, shall be paid to the owner or owners thereof: And if no person appears, then to the overseers of the Poor, for the use of the Poor of such Town or Parish.

verified by the Pound-keeper. Owners neglecting to pay such damages with Pound-keeper's fees, within 14 days, Cattle, &c. to be sold to defray such damages and charges. Overplus paid to the owner, or if no owner appears, to the overseers of the Poor.

VI. *And be it further enacted*, That if any person or persons shall rescue any Horses, Cattle, Sheep, Goats or Swine from any Hog-reeve or other person whatsoever driving such Horses, Cattle, Sheep, Goats or Swine to Pound, the offender shall forfeit for such rescue *twenty shillings* over and above all damages that may be sustained by the trespass, which penalty may be recovered before any one of His Majesty's Justices of the Peace, on the oath of one credible witness, and levied by Warrant of Distress and sale of the offender's goods. And if any person or persons shall make a breach of any Pound, or shall, by any indirect means, deliver any Horses, Cattle, Sheep, Goats or Swine so impounded, the person or persons so offending and every of them, shall, upon conviction before any two Justices (*Quorum Unus*.) forfeit for every such offence *three pounds*; which said penalties shall be paid and applied one half to the person prosecuting, and the other half to the use of the Poor, after deducting the damages, charges, and expence of repairing such Pound breach.

Persons rescuing Cattle, &c. to forfeit 20s. and all the damages done.

To be recovered before a Justice of Peace.

Any person breaking a Pound, or by indirect means delivering Cattle, &c.

to forfeit 3l. one half to the prosecutor and the other half to the use of the Poor.

VII. *And be it further enacted*, That every Town or Parish shall be provided with a sufficient Pound or Pounds as shall be thought necessary for such Town or Parish, to be fixed in the most convenient situation as the Justices in their General Sessions shall think fit, and at the expence of the Inhabitants of such Town or Parish, to be assessed and collected as other Town or Parish charges are.

Every Parish to be provided with a sufficient Pound, to be erected at the expence of the inhabitants, and assessed and collected as other Parish charges

C A P. IV.

An ACT for the better securing the Navigation of Passamaquoddy Bay within Deer Island. Passed the 14th of February, 1801.

WHEREAS an Act made and passed in the thirty-fifth year of His Majesty's Reign, intituled "an Act to provide for the support of Beacons to be erected for the bet-

Preamble.
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"ter securing the Navigation of Passamaquoddy Bay, and "building a Slip in the Harbor of Saint Andrews" has expired. And whereas from the monies arising by virtue of the said Act having been found insufficient to defray the expence of erecting, replacing, and keeping in repair the Beacons or Land-marks therein mentioned, it is necessary and expedient that further provisions be made for that purpose, and for paying off the debt contracted by the Commissioners appointed by His Excellency the LIEUTENANT GOVERNOR by virtue of the said Act.

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly,* That it shall and may be lawful for such Commissioners as His Excellency the LIEUTENANT GOVERNOR shall appoint, or the major part of them, to ask, demand, sue for, and receive from the Deputy Province Treasurer, for the County of Charlotte, his heirs or executors, or any other person or persons, all such sum or sums of money, as he or they may have received or may have become indebted for by virtue of the former Act, and adjust and pay off all demands arising from the erection, &c. of Beacons.

II. *And be it further enacted,* That the Beacons or Landmarks to be erected, replaced, or kept in repair, shall be at the following places, viz:—one on the Sand Spit, called Sandy Island, a second on the extremity of Indian Point, and a third on the South Eastern point of Saint Andrew's Island.

III. *And be it further enacted,* That from and after the time it shall be certified under the hands of the Justices of the Inferior Court of Common Pleas or the major part of them to the Deputy Province Treasurer for the said County, that such Beacons are erected as aforesaid, there be and hereby are granted to His MAJESTY, his heirs and successors, for the building, replacing and support of such Beacons the following duties of tonnage on all inward bound vessels entering Passamaquoddy Bay within Deer Island, of the following description and at the following rates, viz:—On all vessels, coasting craft excepted, *one halfpenny* per ton for every ton they respectively admeasure agreeable to register; and on all coasting vessels, *one shilling and three-pence* for each time they arrive in Passamaquoddy Bay within Deer Island aforesaid.

IV. *And be it further enacted,* That every master of such ship or vessel who shall refuse or neglect to call upon the Deputy Province Treasurer and pay to him such tonnage within forty-eight hours after his arrival, shall forfeit and pay a sum not exceeding *five pounds*, to be sued for and recovered before any two of His MAJESTY's Justices of the Peace, and applied for the purpose of erecting or supporting such Beacons.

V. *And be it further enacted,* That the Commissioners to be appointed as aforesaid to superintend and compleat the erecting of

of the said Beacons, or the major part of them, shall have power and authority to call upon the Deputy Province Treasurer for such sum or sums of money as he shall from time to time have collected, excepting the amount of five per cent. which it shall be lawful for such Deputy Treasurer to retain in full for his trouble in collecting the same.

demand of the Deputy Prov. Treasurer such money as he shall from time to time collect, excepting five per cent. allowed for his trouble.

VI. *And be it further enacted*, That the said Commissioners shall, at the first Court of General Sessions of the Peace in the said County of Charlotte, yearly render an account to the Justices of the said Sessions of the monies from time to time received, and expended by them, under this Act, and shall also on paying off the debt at present incurred, and compleating the said Beacons pay the balance, if any, remaining in their hands, into the County Treasury, for the purpose of defraying the expences of keeping in repair or replacing such Beacons.

Commissioners to account for monies received and expended, and after paying off the debts and compleating the Beacons, to pay the balance into the County Treasury.

VII. *And be it further enacted*, That if any person or persons shall take away, cut down, destroy or deface either of the said Beacons, such offender or offenders shall on due conviction thereof, by the oath of one or more credible witness or witnesses, before any two of his MAJESTY'S Justices of the Peace, forfeit and pay a sum, not exceeding *twenty pounds*, to be applied as aforesaid, and on failure of payment thereof, or want of goods and chattles whereon to levy, such offender or offenders, shall be committed by such Justices to the County Goal for a space not exceeding three months.

Any person destroying or defacing such Beacons, on conviction before two Justices of the Peace to forfeit 20l. to be applied as aforesaid—and for want of goods to be committed to goal for three months.

VIII. *And be it further enacted*, That this Act shall continue and be in force for the term of Five Years and no longer.

Limitation.

C A P V.

An ACT for the Support and Relief of confined Debtors. Passed the ~~14th~~ 27th of February, 1801.

WHEREAS an Act made and passed in the thirty-ninth year of His MAJESTY'S Reign, intituled "an Act in amendment of an Act made and passed in thirty-first year of His MAJESTY'S Reign, intituled "an Act for the support and relief of confined Debtors," and also the Act therein referred to, are near expiring: And whereas the support and relief intended by the said Act, has been found expedient and necessary—

Preamble.

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly*, That whenever any person committed to any Gaol in this Province for debt, not exceeding *two hundred pounds*, at the suit of any creditor, shall be incapable to provide or secure their necessary support, it shall and may be lawful

Any person committed to Gaol for debt not exceeding 200l. and incapable

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to provide their support, may, after fourteen days confinement, make application to a Judge of the Supreme Court or Court of Common Pleas of the County, who shall after fourteen days notice to the Creditor or his Attorney, examine such Debtor or any witness on oath, & if on examination it shall appear that such Debtor is unable to provide such support, Judge may make an order for weekly maintenance to be provided by the Creditor,

and in case of failure Debtor to be discharged.

Creditor not to be prevented from prosecuting his suit to final judgment, and taking out a *Fieri Facias*.

ful for such Debtor, after fourteen days confinement, to make application to any Judge of the Supreme Court, or Justice of the Court of Common Pleas of the county where such Debtor shall be confined, for a weekly support or maintenance: And such Judge or Justice, after fourteen days previous notice to such Creditor or his Attorney, shall examine on oath such confined Debtor, or any witness produced, as to the ability of such Debtor to support him or herself, and if on examination, to be taken in writing on oath as aforesaid, which shall be filed in the office of the Clerk of the Court out of which the Process issued, it shall appear to such Judge or Justice that such Debtor is utterly unable to support him or herself, it shall and may be lawful for such Judge or Justice to make an order for such Creditor to pay such Debtor a weekly sum to be applied for the support of such Debtor, which sum shall be paid weekly, and from the first day of November until the last day of March shall be *three shillings and six-pence* per week, and the remainder of the year *two shillings and six-pence* per week; and after such order, it shall be the duty of such Creditor to pay such weekly support, and in case of failure thereof, it shall and may be lawful for any such Judge or Justice as aforesaid, on such failure being made known to him, to make an order under his hand and seal to the Sheriff or Gaoler to discharge the said Debtor out of confinement. *Provided* that nothing in this act shall prevent such creditor from prosecuting his suit (if on *mesne* Process) to final judgment, or from taking out his *Fieri Facias* against the goods and chattels, lands and tenements of such Debtor in the same manner as if no application or order had been made in manner aforesaid.

False oath made perjury.

II. *And be it further enacted*, That every person who shall be convicted of making or taking a false oath to any of the facts herein before directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Limitation.

III. *And be it further enacted*, That this Act shall continue and be in force Five Years and no longer.

C A P. VI.

An ACT for erecting a Court-House and Gaol in the County of Westmorland, and for altering the Shire-Town of the said County. Passed the 18th of February, 1801. 21.

Preamble.

WHEREAS the Court-House and Gaol in the County of Westmorland have been lately consumed by fire, and the place where the same stood is not in a central situation for the accommodation of the Inhabitants—

I. *Be it therefore enacted by the Lieutenant Governor, Council and*

and Assembly, That after the passing of this Act, the Town of Dorchester shall be the Shire-Town of the said County, where all the Courts of Record shall be held instead of the Town of Westmorland in the same County.

Town of Dorchester made the Shire-Town.

II. *And be it further enacted*, That the Justices of the Peace in and for the said County, at the next or any future General Sessions, be and they are hereby authorized and empowered, or the major part of them, to contract and agree with able and sufficient workmen for building and finishing a public Court-House and Goal near the Brook by *John Kieller's* dwelling house, or to appoint contractors for that purpose for such sum or sums of money, as to them shall seem meet, and to apportion and assess such sum or sums as may be necessary upon the respective Towns or Parishes in the said County, and by Warrant under the hand and seal of such Justices or the major part of them, to be directed to the Assessors of the several and respective Towns or Parishes, order such Assessors to apportion and assess on their respective Towns or Parishes their respective quota or proportion to be paid by the several and respective inhabitants of such town or Parish, and such as by Law are liable to be taxed as they in their discretion shall think just and reasonable, and the said Justices as aforesaid shall appoint such Collectors in the respective Towns or Parishes, as they shall think fit, who shall be sworn to a faithful discharge of their duty, and in case of refusal after notice of such appointment, every Collector so refusing shall be subject to the penalty of *five pounds*, and in case of death or refusal another Collector may be appointed in his stead, at any General or Special Sessions, who shall be subject to the same penalty in case of refusal to accept such appointment.

Justices in General Sessions authorized to contract for building a Goal and Court-House,

and assess the necessary sums upon the respective Towns or Parishes, by Warrant directed to the Parish Assessors,

and appoint Collectors who shall be sworn.

Collectors refusing to serve liable to a fine of 5l.

III. *And be it further enacted*, That in case any Assessor or Assessors shall neglect or refuse to make such assessment as aforesaid, such Assessor or Assessors so neglecting or refusing, shall forfeit and pay to the Treasurer of the same County the sum of *five pounds*, to be recovered by bill, plaint or information with cost of suit in any Court proper to try the same.

Assessors refusing or neglecting duty to forfeit 5l.

IV. *And be it further enacted*, That it shall be the duty of every such Collector appointed as aforesaid, within ten days after receiving his Warrant of Assessment, to give notice to the several persons contained in his list respectively, of the several sums on them assessed, and in case any person so notified shall refuse or neglect for other ten days, it shall be the duty of such Collector forthwith to collect the sums so assessed, and by Warrant under the hand and seal of any two Justices of the Peace for the said County, to make distress on the goods and chattels of such person or persons refusing, and within ten days thereafter shall make sale of such distress to the amount of such assessment with costs, rendering the overplus, if any there be, to the owner or owners thereof.

Collector within ten days after receiving his Warrant to give notice to the persons on his list, and if they neglect or refuse for other ten days, Collector to collect and by warrant of two Justices of the Peace to levy

and make sale, &c.

V. *And be it further enacted*, That every such Collector shall forthwith

Collector to pay over monies to the County Treasurer retaining five per cent.

Collector refusing or neglecting to collect, or when collected to pay over, to forfeit 5*l.* per month.

forthwith pay over the monies by him collected to the Treasurer of the County, deducting five per cent. for collection; and in case any Collector shall neglect or refuse to make such collection, or when collected shall neglect or refuse to pay the same to the County Treasurer, every such delinquent Collector shall incur the penalty of *five pounds* per month, to be paid to the County Treasurer, who may sue for the same penalty before any two Justices who shall on conviction issue their Warrant against the goods and chattels of such delinquent.

Until the Gaol is erected Felons may be sent to the Gaol of Saint John.

VI. *And be it further enacted*, That until a good and sufficient Gaol shall be erected in the said County, it shall be lawful to send any Felon to the Gaol in the City of Saint John, provided that no cost or charge be incurred by the City or County of Saint John upon such commitment.

Penalties how applied.

VII. *And be it further enacted*, That all penalties to be incurred by this Act shall be applied for the purpose of the building of the said Court-House and Gaol.

C A P. VII.

An ACT to continue an Act made and passed in the thirty-sixth year of His MAJESTY'S Reign, intituled "an Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same." Passed the ~~11th~~ ^{21st} of February, 1801.

Former Act continued for five years.

I. **B**E it Enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the thirty-sixth year of His MAJESTY'S Reign, intituled, "an Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same" be continued: And the same is hereby continued, and declared to be in full force for the term of Five Years and no longer.

C A P. VIII.

An ACT for the further and better support of the Poor in the City of Saint John. Passed the 11th of February, 1801.

I. **B**E it Enacted, *by the Lieutenant Governor, Council and Assembly*, That the Mayor, Aldermen and Commonalty Mayor, Aldermen and Commonalty of the City of Saint John authorized annually to lay a tax on Dogs, in the City of Saint John be, and they are hereby authorized, yearly and every year during the continuance of this Act, to lay a tax upon Dogs; to be levied upon the owners of the same living within the limits of the said City, and collected in such manner as the Corporation of the said City by Law or Ordinance shall appoint: Which said tax shall be appropriated and applied for the support of the Poor, and to no other purpose whatsoever. not to exceed 5s for each Dog. *Provided* that such tax shall not amount to more than *five shillings* for any one Dog.

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

C A P. IX.

An ACT for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury. Passed the 21st of February, 1801.

WHEREAS the pasturing of Neat Cattle, Horses, Sheep, Goats or Swine, in the Spring, and during the Summer season, on the slope of the Bank of the River Saint John along the Intervale Lands in the Parish of Lincoln, both prevents the growth and occasions the destruction of bushes, which contribute greatly to bind the soil and preserve it from being washed away during the Freshes. Provision.

I. *Be it enacted by the Lieutenant Governor, Council and Assembly*, That from and after the passing of this Act, every person who pastures Intervale Land in the said Parish or any part thereof Persons pasturing Intervale land fronting on the river, to keep up a fence sufficient to confine his cattle, &c. fronting on the said River, shall keep up a fence along the front of the Land so pastured of the legal height, or at least sufficient to confine his Neat Cattle, Horses, Sheep, Goats or Swine within the same; and that if he do neglect to keep up such fence as aforesaid, his Neat Cattle, Horses, Sheep, Goats or Swine shall be liable, when found trespassing on the slope of the said Bank, to be impounded and dealt by according to the provisions of an Act made and passed this present Session, intitled "an Act to repeal all the Acts now in force relating to Trespasses and for making new regulations to prevent the same"—And whereas Horses and Cattle frequently go from Fredericton and other places, down on a long and narrow tongue of low Intervale Land extending to and terminating at the mouth of the River Oromocto, and from thence spread And if he neglect to do so, his Cattle, &c. when found trespassing shall be impounded and dealt by according to the provisions of the Act for regulating Trespasses. along

along the Bank of the aforefaid River Saint John, throughout the extent of the faid Parifh—

II. *Be it further enacted*, That the Commissioners of Highways in the faid Parifh fhall, from and after the paffing of this ACT, be empowered, and they are hereby directed, to erect one ftrong Swing-Gate acrofs the public Road on the Upland adjoining to the faid tongue of Intervale, either on the Lot now belonging to *Thomas Knox*, Efq. or on that now belonging to and occupied by *Lemuel Wilmot*, Efq. as to them in their difcretion fhall feem moft convenient, and to keep the fame in repair; the expence of which erection and repairs, they are hereby authorized to defray by ordering an affeffment to be made for the faid purpofes, on the owners or occupiers of the faid Lands as above defcribed, by the Parifh Affeffors.

Commissioners of Highways in the faid Parifh to erect a Swing-Gate acrofs the Public Road,

and keep the fame in repair,

by ordering an affeffment on the occupiers of the lands.

III. *And be it further enacted*, That no perfon or perfons, between the firft day of May and the firft day of September, fhall block up and faften or prop open the faid Gate, and fo leave the fame, under the penalty of *ten fhillings*; or wantonly or maliciously take down or deftroy the faid Gate, under the penalty of *three pounds*, to be recovered upon conviction before any one of His MAJESTY'S Juftices of the Peace for the faid County, upon the oath of one or more credible witnefs or witneffes, and to be levied by Warrant of Diftreff and fale of the offender's goods, under the hand and feal of fuch Juftice, rendering the overplus, if any, after deducting the cofts and charges of the diftreff and fale to the offender; which penalty and forfeiture fhall be applied to the erection, maintaining and keeping of the faid Gate in repair, and fhall be paid into the hands of the Commissioners of Highways for the faid Parifh for the faid purpofe: And fuch offender or offenders fhall be further liable to an action of Trefpafs for any damages fufained thereby.

Perfons blocking up or proping open the Gate, liable to a fine of 10s.—and taking down or deftroying the fame, to a fine of 3l.

to be applied to the erection and maintaining of fuch Gate.

IV. *And be it further enacted*, That this ACT fhall continue and remain in force for Five Years and no longer.

Limitation.

C A P. X.

An ACT to continue an Act, intituled “an Act for preserving the Bank of the River Saint John, in front of the Parifhes of Maugerville, Sheffield and Waterborough.” Paffed the 12th of February, 1801. *21st*

I. **B**E it Enacted, by the Lieutenant Governor, Council and Assembly, That an Act, intituled “an Act for preserving the Bank of the River Saint John, in front of the Parifhes of Maugerville, Sheffield and Waterborough,” made and paffed in the thirty-fourth year of His prefent MAJESTY'S Reign, be continued: And the fame is hereby continued, and declared and enacted to be in full force for the term of Four Years and no longer.

Former Act continued for Four Years.

C A P. XI.

An ACT to empower the Justices of the Peace for the County of York, to make such regulations respecting the Winter Roads in that County as may be found necessary. Passed the 16th of February, 1801.

I. **B**E it Enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Justices of the Peace for the County of York in their General Sessions be, and hereby are authorized and empowered to make such rules and regulations, as they may judge necessary respecting the public Winter Roads in the said County. And further that the said Justices may affix such penalties not exceeding twenty shillings for each offence, as they may think necessary, for carrying into execution such rules and regulations so by them to be made and established.

Justices in General Sessions for York County may make regulations for Winter Roads, and affix penalties not exceeding 20s.

II. *And be it further enacted,* That this Act shall continue and be in force for the term of Three Years and no longer.

Limitation.

C A P. XII.

An ACT for appropriating certain Monies for defraying the expences of the Province. Passed the 19th of February, 1801.

I. **B**E it Enacted by the Lieutenant Governor, Council and Assembly, That there be allowed and paid out of the Treasury of this Province unto the several persons hereafter mentioned, the following sums, to wit: To the Speaker of the House of Assembly during the present Session, the sum of fifty pounds: To the Members of the House of Assembly for defraying their expences of travelling and actual attendance during the present Session, the days of such travel and attendance to be certified by the Speaker, the sum of ten shillings per diem: To the Chaplain of the Council in General Assembly for his services during the present Session, the sum of fifteen pounds: To the Chaplain of the House of Assembly for his services during the present Session, the sum of fifteen pounds: To the Clerk of the Council in General Assembly for Stationary and other expences during the present Session, the sum of thirty pounds: To the Clerk of the Assembly for his services during the present Session, the sum of ten shillings per diem, and for other services the sum of fifty pounds; and also for his services during the year one thousand eight hundred, the sum of twenty-five pounds: To the Serjeant at Arms attending the Council

Monies to be paid out of the Treasury.
To the Speaker.
To the Members.
To the Chaplain of the Council.
Chaplain of the Assembly.
Clerk of the Council.
Clerk of Assembly.
Serjeant at Arms

attending the Council in General Assembly, the sum of *ten shillings* per diem for his services during the present Session: To the Serjeant at Arms attending the Assembly, the sum of *ten shillings* per diem for his services during the present Session: To the Door-keeper of the Council in General Assembly, the sum of *five shillings* per diem for his services during the present Session: To the Door-keeper of the Assembly, the sum of *five shillings* per diem for his services during the present Session: To the Messenger of the Assembly, the sum of *five shillings* per diem for his services during the present Session: To the Clerk of the Assembly for Fuel, &c., Stationary and other expences of the present Session, the sum of *twenty-eight pounds, six shillings and six-pence*: To the Treasurer of the Province for his services from the first day of March, one thousand seven hundred and ninety-nine, to the first day of March, one thousand eight hundred and one, the sum of *one hundred and eighty pounds* per annum: To the Tide Surveyor in the City of Saint John for his services from the first day of March, one thousand seven hundred and ninety-nine, to the first day of March, one thousand eight hundred and one, the sum of *forty pounds* per annum; and also for his past services the further sum of *fifteen pounds*: To His Excellency the LIEUTENANT GOVERNOR for the payment of the several Adjutants of the Militia, for the years one thousand seven hundred and ninety-nine and one thousand eight hundred, a sum not exceeding *three hundred and twenty pounds*: To His Excellency the LIEUTENANT GOVERNOR for defraying the contingent expences of the Province, a sum not exceeding *one hundred pounds*: To the Sheriff of the County of Charlotte for returning a Member for the said County in General Assembly, the sum of *ten pounds five shillings*: To His Excellency the LIEUTENANT GOVERNOR for defraying the expence of printing three hundred copies of the Acts passed in the last Session of the General Assembly, the sum of *thirty-two pounds five shillings*; and the further sum of *sixty-seven pounds ten shillings*, for the payment of House Rent for the accommodation of the General Assembly and the Courts of Justice: To Samuel Lee, Esq. Member for the County of Northumberland for his travelling charges at the last Session of the General Assembly, the sum of *twelve pounds*: To Samuel Duffy, keeper of the Light-House on Partridge Island, for his past services, the sum of *fifty pounds*: To John M'Monagle, Esq. the sum of *twelve pounds, fourteen shillings and six-pence*; to Benjamin Dewolf, the sum of *eighteen pounds, fourteen shillings and ten-pence*; to Thomas Walker, the sum of *twelve pounds, ten shillings and two-pence*; to Henry Rutherford, the sum of *eighteen pounds eighteen shillings*; to Messrs. Bonnell and Budd, the sum of *one pound, seven shillings and nine-pence*;—and to Messrs. Isaac and David Bonnett, the sum of *two pounds seventeen shillings*, being the amount of duties paid by them on articles imported by way of Saint John, which were intended for and exported to the Province of Nova-Scotia: To William and Thomas Pagan and Company, the sum of *forty-three pounds, five shillings and ten-pence* being the amount of duties paid by them on forty-six puncheons of Rum re-shipped to Nova-Scotia: To His Excellency

cellency the LIEUTENANT GOVERNOR towards completing the building for the accommodation of the General Assembly and the Courts of Justice in Fredericton, the sum of *three hundred and fifty pounds*: To the Members for the City and County of Saint John in General Assembly, for defraying the expences to be incurred by printing the Journals of the Votes and Proceedings of the House of Assembly in the Sessions of one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, and the present Session, the sum of *one hundred pounds*: To the Commissioners of the Light-House on Partridge Island, for the purpose of repairing the same, the sum of *fifty pounds*: To His Excellency the LIEUTENANT GOVERNOR for defraying the expences to be incurred by the revising of all the Acts of the General Assembly of this Province, and printing two hundred copies of the same for the use of the several Branches and Members of the Legislature, His MAJESTY'S Courts of Justice, Attorney and Solicitor Generals, Justices of the Peace, Sheriffs and Coroners of the several Counties, and Clerks of the different Parishes, the sum of *two hundred pounds*: To the Justices of the Peace for the County of Westmorland in General Sessions, towards defraying the expence of erecting a Court-House and Gaol in the said County, the sum of *one hundred pounds*: To the Justices of the Peace for the County of York in General Sessions, towards defraying the expence of building a Gaol in the said County, the sum of *one hundred pounds*: To the Justices of the Peace for Queen's County in General Sessions, towards defraying the expence of building and finishing the Court-House and Gaol in the said County, the sum of *one hundred pounds*: To the Justices of the Peace for the County of Charlotte in General Sessions, towards defraying the expence of building and finishing the Court-House and Gaol in the said County, the sum of *one hundred pounds*: To the Justices of the Peace for the County of Sunbury in General Sessions, towards defraying the expence of building and finishing the Court-House and Gaol in the said County, the sum of *one hundred pounds*: To the Justices of the Peace for King's County in General Sessions, towards defraying the expence of building a Gaol in the said County, the sum of *one hundred pounds*: To the Mayor, Aldermen and Commonalty of the City of St. John, towards defraying the expence of erecting an Hospital and Workhouse in the said City, the sum of *two hundred and fifty pounds*.

To His Excellency the Lieut. Governor towards completing the building for the accommodation of the General Assembly, &c.

To the Members for Saint John for printing the Journals of the House of Assembly.

Commissioners of the Light-House for repairs.

To His Excellency the Lieut. Governor for revising and reprinting the laws of the Province.

Justices of the Peace for the County of Westmorland

For the County of York.

For Queen's County.

County of Charlotte.

County of Sunbury.

King's County.

To the Mayor, Aldermen and Commonalty of Saint John.

II. *And be it further enacted*, That all the before-mentioned several sums of money shall be paid by the Treasurer by Warrant issued by the LIEUTENANT GOVERNOR or Commander in Chief for the time being, by and with the advice and consent of His MAJESTY'S Council, out of the monies now in the Treasury, or as monies may come into the same, giving the preference in payment of the respective sums as the same are arranged in this Act.

To be paid by warrant issued by the Lieutenant Governor or Commander in Chief, with advice and consent of Council.

An ACT for granting certain Sums for repairing and laying out Roads. Passed the 21st of February, 1801.

- I. **B**E it Enacted by the Lieutenant Governor, Council and Assembly, That there be allowed and paid out of the Treasury of this Province, the sum of *one hundred and fifty pounds* for the purpose of repairing or opening the communication leading from the River Petcoodiac to the Kennebeckacis: The sum of *fifty pounds* for the purpose of repairing the Road already laid out, leading from Fredericton to Miramichi through the settlements on the River Nashwaack: The sum of *fifty pounds* for the purpose of opening and repairing the Road from the River Nashwaack to the settlements on the River Miramichi: The sum of *fifty pounds* for the purpose of repairing the Road lately laid out and opened from Chediac to the bend of the River Petcoodiac: The sum of *fifty pounds* for the purpose of repairing the Road from where the same now is, near the Farm of Ward Chipman, Esq. to the Kennebeckacis, at or near Henniger's Farm: The sum of *seventy-five pounds* for the purpose of opening a Road from Quaco, to communicate with the settlement made by the Honorable Joshua Upham, Esq. in the Parish of Hampton, and from thence to the Road at the Little Kennebeckacis or Hammond River: The sum of *ten pounds* to enable the inhabitants at Mace's Bay and Dipper Harbour, to open a Road to communicate by the nearest practicable route with the public Road leading from Saint Andrews to the City of Saint John by the settlements at Musquash River: The sum of *one hundred pounds* for the purpose of repairing the Road already laid out from Saint Andrews to the City of Saint John, by the settlements at Musquash, beginning at Saint Andrews: The sum of *seventy-five pounds* for the purpose of opening a Road from the settlement on the Washademoac River to communicate with the settlements on the River Saint John: The sum of *one hundred pounds* for the purpose of building and repairing such Bridges as were carried away by the Ice Freshet in the year one thousand seven hundred and ninety eight in the Parishes of Prince William and Woodstock in the County of York: The sum of *thirty pounds* for the purpose of defraying the expences of levelling and bridging the Portage Road which is opened across the Peninsula that separates the Rivers Kennebeckacis and Saint John: The sum of *seventy-five pounds* for the purpose of altering and repairing the Roads leading from Fredericton to Saint John and Westmorland through Queen's County and a part of King's County by the head of Belille Bay to the River Kennebeckacis, and in the great line of communication between the Provinces of Nova-Scotia and Canada: And the sum of *fifteen pounds* for the purpose of repairing the Road leading from Pickle's Farm on the River Kennebeckacis to Croft's Farm on Hammond River: To be paid to such person or persons, other than the Members of the House of Assembly as His Excellency the LIEUTENANT GOVERNOR shall appoint for the respective purposes aforesaid;
- From Petcoodiac to Kennebeckacis.
- From Fredericton to Miramichi through the Nashwaack settlements.
- From the Nashwaack to the settlements on the Miramichi.
- From Chediac to the bend of the River Petcoodiac.
- From the Farm of W. Chipman, Esq. to the Kennebeckacis.
- From Quaco to Judge Upham's settlement at Hampton, and thence to the Road at Hammond River.
- From Mace's Bay and Dipper Harbour to the road leading from St. Andrews to St. John.
- From St. Andrews to St. John.
- From Washademoac to St. John River.
- In the Parishes of Prince William & Woodstock.
- Across the Peninsula between St. John & Kennebeckacis rivers.
- From Fredericton to Saint John and Westmorland.
- From Pickle's farm on Kennebeckacis to Croft's farm on Hammond river.
- To be paid to such persons other than the Members of the Assembly as His Excellency shall appoint.

aforesaid; who are severally to account to the House of Assembly for their respective expenditures.

II. *And be it further enacted,* That all the aforesaid sums of money shall be paid by the Treasurer by warrant issued by the LIEUTENANT GOVERNOR or Commander in Chief for the time being, by and with the advice and consent of His MAJESTY'S Council, and the receipts of the several persons entitled to the said sums, indorsed on the said warrants, shall be to the Treasurer good vouchers and discharges for so much as shall thereby be acknowledged to be received. The said sums to be paid as monies may come into the Treasury, after the several sums are paid off, directed to be paid in and by an Act made and passed during the present Session, intituled "an Act for appropriating certain monies for defraying the expences of the Province."

To be paid by the Lieut. Governor's Warrant on the Treasurer.
Receipts to be indorsed on the Warrants.