

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.

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.

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.