

to permit his Body to remain permanently deposited under the same Church, and to prevent the same from being removed.

I. *Be it therefore enacted by the President, Council, and Assembly,* That it shall and may be lawful for the Body of the said late Lieutenant-Governor, to remain interred under the said Church in Fredericton, any thing contained in the said recited Act to the contrary notwithstanding.

The Body to remain interred under the Church.

II. *Provided always, and be it further enacted,* That it shall be the duty of the said Executors of the Will of the said Deceased, at their expence, to cause the said temporary Vault to be further walled in and secured, in such manner and within such reasonable time, as shall be pointed out and directed by the Rector, Church-Wardens and Vestry, of the said Church, or by them approved of.

Executors to cause the Vault to be further secured.

III. *And be it further enacted,* That this Act shall be deemed a Public Act, and supplementary to the said hereinbefore recited Act.

To be deemed a Public Act.

IV. *And be it further enacted,* That this Act shall not for any cause whatever hereafter be taken or construed as a precedent for dispensing with any of the provisions of the herein before recited Act.

Not to be taken as a precedent.

### CAP. XIII.

AN ACT to provide for the erection of Fences with Gates, across the Highway leading through Deer Island, in the Parish of West-Isles and County of Charlotte.

Passed 11th March, 1824.

I. **B**E it enacted by the President, Council, and Assembly, That when any Proprietor

prietor or occupant of any Lands in Deer Island, in the Parish of West-Isles and County of Charlotte, over which the Public Road passes, shall think it necessary or expedient that a Fence or Fences extending to the water, where the said Road may require Fencing (if the same shall be at or near the sea shore), it may and shall be lawful for such

Upon Petition of any Proprietor for a fence, the Sessions may order the Commissioners of Highways to examine and report.

Proprietor or occupant, to prefer a Petition to the Court of General Sessions of the Peace for the said County of Charlotte, stating particularly the object and ground of such applications, and praying for permission to erect such Fence or Fences. Upon the presenting whereof, the Justices of the Peace in their said General Sessions, are authorized and required forthwith, by order thereon endorsed, to direct the Commissioners of Highways in the said Parish, to examine and report upon such Petition to the said Jus-

If it shall appear to the Sessions necessary or expedient, they may order the fence to be erected with a gate.

tics, and if it shall appear to the said Justices of the Peace in General Sessions, from the report so made by the Commissioners of Highways aforesaid, or the major part of them, that it is necessary or expedient that the Fence or Fences prayed for, should be erected, they are hereby required to make an order for the erection of such Fence or Fences, with a convenient swinging Gate or Gates in the same, where such Fence or Fences cross the road, and to make such further order respecting the same as to them shall seem meet; and that it shall be lawful for the person or persons so petitioning, at his, her, or their own expence, to erect such Fence or Fences with such swinging Gate

or Gates, agreeably to the directions of the said Court.

II. *And be it further enacted,* That if any person or persons shall break or throw down, or in any way destroy any Fence or Fences so to be erected or any part thereof, or shall block up and fasten, or stake open or destroy any Gate or Gates which may be erected by virtue of this Act, such offender or offenders shall upon conviction thereof before any one of His Majesty's Justices of the Peace of the said County, upon the oath of any one or more credible witness or witnesses, forfeit and pay the sum of Forty Shillings, for each and every offence, to be levied with costs, by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to either of the Constables of the Parish, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the Common Gaol of the said County, there to remain for the space of eight days, unless the said sum, with costs, be sooner paid; which forfeiture, when recovered, shall be paid into the hands of the Overseers of the Poor of the said Parish of West Isles, and such offender or offenders shall be further liable to all damages sustained thereby, to be recovered, with costs of action or actions, at the suit of the party injured.

Persons breaking the fence, or fastening up, staking open, or destroying the gate, so forfeit 40s.

Forfeiture to the use of the Poor.

III. *And be it further enacted,* That whenever it shall appear to the said Justices in their said General Sessions, by the report of the said Commissioners of Highways, or the major part of them, that the reason for

When it shall appear to the Sessions that the fence is no longer necessary, they may order it to be removed.

erecting such Fence or Fences as aforesaid, has ceased to exist, it shall and may be lawful for the said Justices, in their said General Sessions, to order such Fence or Fences to be removed; and the Proprietor or Proprietors of such Fence or Fences, shall not, after such order, have any benefit or advantage from this Act, and the continuance of such Fence or Fences, shall thereafter be considered and adjudged to be a nuisance on the Highway.

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

Limitation.

*Cont. to 1. April  
1835 by. g. S. C. G.*

#### CAP. XIV.

An ACT to continue the Acts for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province.

*Passed 11th March, 1824.*

**B**E it enacted by the President, Council, and Assembly, That an Act made and passed in the fiftieth year of the Reign of His late Majesty King George the Third, 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;” also an Act made and passed in the fifty-eighth year of the same Reign, intituled, “An Act further to continue and amend an Act, intituled, “An Act for regulating, laying out, and repairing Highways and Roads, and for ap-  
“ point-

50 Geo. 3, c. 6,

58 Geo. 3, c. 3,