

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1794. Brookville: Christopher Sower, Printer to the King's Most Excellent Majesty, 1794.

34 George III – Chapter 9

An Act for preserving the Bank of the River Saint John, in Front of the Parishes of Magerville, Sheffield, and Waterborough.

Whereas the annual overflow of the river Saint John washes away large portions of very valuable land on its banks in front of the parishes of Magerville and Sheffield in Sunbury county, and the upper part of Waterborough parish in Queen's county, and frequently obliges the inhabitants to remove their houses, fences, and other improvements to their great damage and inconvenience: And whereas the pasturing of cattle on the said banks contributes greatly to this alarming waste of land, and prevents grass and bushes when planted from growing, binding and preserving the ground—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That no neat cattle, horses, sheep, swine or goats shall be suffered to go at large in the highway, or graze on the bank of the river Saint John in front of the parishes of Magerville and Sheffield, and the upper part of Waterborough parish as far as the upper line of Benjamin Birdsall's land, between the tenth day of March and the tenth day of November annually, and if any person or persons shall find any such cattle going at large or grazing as aforesaid, such persons are hereby authorised to take and drive the same to the nearest Pound and the Pound-keeper shall receive and detain the same until the owner or owners shall pay the penalty of three shillings for each neat cattle or horse, and one shilling for each sheep, swine or goat, and also one shilling per day to the Pound-keeper for feeding each neat cattle or horse, and four pence per day for feeding each sheep, swine or goat together with the usual charges for crying the same within fourteen days after they shall be so impounded, one half of which penalties shall be for the use of the Poor in such parish where the offence may be committed and the other half so the person or persons who shall impound the same; and may be sued for and recovered before any one of His Majesty's Justices of the Peace.

II. And be it further enacted, That, in case the owner or owners of such neat cattle, horses, sheep, swine or goats so impounded shall neglect or refuse to pay the aforesaid penalties and charges, then the said Pound-keeper is hereby authorised to sell publicly so many of them as may be necessary for that purpose, and the overplus money arising from such sale, shall be paid by said Pound-keeper to the owner or owners thereof.

III. And be it further enacted, That, the Justices in their General Sessions within the respective counties where such parishes lie, are hereby authorised to cause to be erected and kept up across said highway from the said tenth day of March to the said tenth day of November, two strong Swing Gates of suitable width and a Water-fence adjoining to each Gate, one of which Gates, so to be kept up, to be erected at or near the upper line of the parish of Magerville and the other at or near the upper line of the lands of Benjamin Birdsall in the said parish of Waterborough; and the said Justices shall also cause two suitable Posts of wood, one on each side of each Gate, to be fixed

firmly in the ground with notches cut into the said Posts for steps for the benefit of travellers; and the said Justices are hereby also authorised and required to order an Assessment of the expence of erecting the said Gates, Fences, and Posts to be made on the freeholders and inhabitants residing within the district of the parishes where such Gates, Fences, and Posts are hereby authorised to be set up; and if any person or persons shall wantonly leave open, pull down, or destroy such Gate or Gates, Water-fences or Posts, such offender or offenders upon conviction shall pay double costs or damage as may be awarded to any person or persons whatsoever, to be sued for and recovered in manner aforesaid—and in case of inability to pay the same shall suffer one months imprisonment without Bail or Main-prize.

IV. Provided always, and be it further enacted, That this act shall not extend to any neat cattle, horses or other stock which may be travelling along said road from one part of this province to another.

V. And be it further enacted, That, this act shall be and remain in full force for and during the term of two years and no longer.