

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1801. Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1801.

41 George III – Chapter 9

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 Hope 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 foil and preserve it from being washed away during the Freshes.

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 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, intituled “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 along the Bank of the aforesaid River Saint John, throughout the extent of the said Parish—

II. Be it further enacted, That the Commissioners of Highways in the said Parish shall, from and after the passing of this Act, be empowered, and they are hereby directed, to erect one strong Swing-Gate across the public Road on the Upland adjoining to the said tongue of Intervale, either on the Lot now belonging to Thomas Knox, Esq. or on that now belonging to and occupied by Lemuel Wilmot, Esq. as to them in their discretion shall seem most convenient, and to keep the same in repair; the expence of which erection and repairs, they are hereby authorized to defray by ordering an assessment to be made for the said purposes, on the owners or occupiers of the said Lands as above described, by the Parish Assessors.

III. And be it further enacted, That no person or persons, between the first day of May and the first day of September, shall block up and fasten or prop open the said Gate, and so leave the same, under the penalty of ten shillings or wantonly or maliciously take down or destroy the said Gate, under the penalty of three pounds, to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said County, upon the oath of one or more credible witness or witnesses, and to be levied by Warrant of Distress and sale of the offender's goods, under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of the distress and sale to the offender; which penalty and forfeiture shall be applied to the erection, maintaining and keeping of the said Gate in repair, and shall be paid into the hands of the

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Commissioners of Highways for the said Parish for the said purpose: And such offender or offenders shall be further liable to an action of Trespass for any damages sustained thereby.

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