

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1807. Saint John, NB: John Ryan, Printer to the King's Most Excellent Majesty, 1807.

47 George III – Chapter 7

An Act to prevent divers Misdemeanors in idle and disorderly Persons. Passed the 5th of March, 1807.

Whereas the unlawful cutting or taking away of corn and grain growing, robbing of orchards, gardens and other plantations, digging up, taking away or injuring fruit trees, breaking of pales or other fences, cutting or spoiling of woods or underwoods standing or growing, and such like offences, are now more commonly committed than in former times, and the said offences are great causes of the maintaining of idleness, and the persons who commit the same are for the most part unable to make satisfaction, for remedy whereof,

I. Be it enacted by the President, Council and Assembly, That all and every person and persons who, from and after the passing of this Act, shall cut and unlawfully take away any corn or grain of any kind whatsoever, growing, or shall rob any orchards, gardens or other plantations of the fruit, vegetables, or other things therein growing, or in the night shall enter into any garden or other inclosure with intent to rob the same, or break or cut any hedge, pales, rails, or fence, or shall wantonly throw down the same, or cut up, destroy or take away any logs, rails, or other materials prepared for erecting any fence and their procurer and procurers, receiver and receivers, knowing the same, being thereof lawfully convicted by the confession of the party or by the testimony of one sufficient witness upon oath before any one of His Majesty's Justices of the Peace in and for the County, City or place where the offence shall be committed or the offender be apprehended, shall forfeit and pay such sum not exceeding Five Pounds, and within such time as such Justice shall order and appoint, together with costs of such prosecution, one moiety thereof to the party complaining and prosecuting the same to effect, and the other moiety to the Overseers of the Poor where the conviction shall be had.

II. And be it further enacted, That each and every person and persons, who shall hereafter dig, pull up, take away or wilfully break or otherwise injure any fruit tree or fruit trees in any orchard, garden or elsewhere; or shall cut or spoil any woods, underwoods, poles, or trees standing, or shall take and carry away any wood that may have been felled, or may have been blown down, without the consent of the owner or owners thereof; or shall come upon the land of any person or persons and dig, quarry or carry away any stone, being fit for building or other purposes, without the consent of the owner or owners thereof, and all and every person and persons aiding or procuring the same to be done, and being thereof lawfully convicted in manner aforesaid, before any one of his Majesty's Justices of the Peace as aforesaid, shall give to the party and parties complaining, such recompence and satisfaction for his and their damages, and within such time as such Justice shall order and appoint, together with costs and charges of prosecution.

III. And be it further enacted, That when any person or persons convicted of any of the offences herein before mentioned shall be thought in the discretion of the Justice before whom such

offender shall be convicted, to be not able or sufficient, or shall neglect or refuse to pay such sum or make such recompence and satisfaction in manner and form above mentioned, such Justice shall commit all and every such offender and offenders to the common Gaol or House of Correction of the County, City or place, there to remain without bail or mainprize, for a term not exceeding Thirty days nor less than Five days.

IV. And be it further enacted, That the parents, guardians, or masters of all persons under age, who may be convicted of any of the offences aforesaid, shall be and hereby are made respectively liable to make good the damages and penalties adjudged to be paid by such offender or offenders, and in case of refusal or neglect, such offender or offenders, shall be committed as aforesaid.