

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1847. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1847.

10 Victoria – Chapter 47

An Act relating to a tract of Land situate below the Town Plat of Fredericton. Passed 7th April 1847.

Whereas there is a piece or parcel of Land situate below the Town Plat of Fredericton, reserved in the original Grant from the Crown to the Governor and Trustees of the College of New Brunswick, for a Common, and other public uses: And whereas, for the preservation of the said piece or other causes, for the common benefit of all the inhabitants of Fredericton for ever, according to the intention of the said original Grant, it is necessary that the said piece or parcel of Land should be placed under some more efficient supervision and control;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the said piece and parcel of Land below the Town Plat of Fredericton, and reserved in the Grant from the Crown to the Governor and Trustees of the College of New Brunswick, for a Common, and other public uses, shall be and be deemed to be under the supervision and control of the Commissioners of Highways for the Parish of Fredericton for the time being, in the same manner as the Streets and Highways in Fredericton are, subject to the provisions of this Act.

II. And be it enacted, That the said Commissioners of Highways, or the major part of them, shall have full power and authority to lay out a Highway or such Highways, in, over or upon such part or parts of the said piece or parcel of Land as they may deem necessary, and from time to time to lay out such Promenades and Walks thereon as they may deem necessary and promotive of the comfort, health and convenience of the inhabitants of Fredericton.

III. And be it enacted, That between the twentieth day of March and the twentieth day of December in each and every year, it shall not be lawful for any person or persons to haul or drag any Timber, Logs, Masts, Spars, and other Lumber, over any part of the said land which the said commissioners may lay off for a Promenade, unless such Timber, Logs, Masts, Spars, or other Lumber, be required for the repair and improvement of the said piece or parcel of Land; and every person or persons shall for each and every offence forfeit and pay a sum not less than five shillings nor exceeding twenty shillings, in the discretion of the Justice before whom the offender shall be prosecuted; which penalties, with costs of suit, shall and may be sued for and recovered in the manner provided in the fourth section of this Act.

IV. And be it enacted, That the Justices of the General Sessions of the Peace for the County of York, shall have full power and authority from time to time to make such rules and regulations relating to the said piece or parcel of Land, or any Promenade or Promenades, or Walk or Walks, laid out thereon, for the purpose of promoting the cleanliness, health and comfort of the inhabitants of Fredericton; and such rules and regulations to alter, repeal, and amend, and to

substitute others in lieu thereof, and to enforce the observance of such rules and regulations by such fines and penalties as they in their discretion may deem meet; provided that no greater fine or penalty than ten shillings shall be imposed for any breach of such rules or regulations; which fines and penalties shall be sued for and recovered, with costs, before any one of the Justices of the Peace for the County of York, upon the oath of one or more credible witness or witnesses, and levied by warrant directed to any Constable of the Town or Parish of Fredericton, by distress and sale of the goods and chattels of the offender or offenders; and when no such effects can be found, the offender or offenders to be imprisoned in the Common Gaol of the County of York for a period of time not exceeding one day for every two shillings of the said fine or penalty.