

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 30

An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province. Passed 26th April 1850.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the twenty sixth year of the Reign of King George the Third, intituled *An Act for the appointment of Town and Parish Officers in the several Counties in this Province*; also an Act made and passed in the same year, intituled *An Act for regulating and facilitating the Navigation of the River Saint John and other Rivers in this Province*; also an Act made and passed in the same year, intituled *An Act for securing the Navigation of the River Magaguadavic*; also an Act made and passed in the same year, intituled *An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same*; also an Act made and passed in the same year, intituled *An Act for assessing, collecting and levying County Rates*; also an Act made and passed in the same year, intituled *An Act to regulate and provide for the support of the Poor in this Province*; also an Act made and passed in the same year, intituled *An Act against Forestallers and Regraters*; also an Act made and passed in the same year, intituled *An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province*; also an Act made and passed in the twenty seventh year of the said Reign, intituled *An Act in addition to an Act, intituled 'An Act for assessing, collecting and levying County Rates;*' also an Act made and passed in the twenty eighth year of the said Reign, intituled *An Act to empower the Justices of the Sessions in the several Counties in this Province to make such Regulations respecting Markets and Ferries within such Counties as may be found necessary*; also an Act made and passed in the twenty ninth year of the said Reign, intituled *An Act in amendment of an Act, intituled 'An Act for assessing, collecting and levying County Rates;*' also an Act made and passed in the thirty second year of the said Reign, intituled *An Act to provide for the maintenance of Bastard Children*; also an Act made and passed in the thirty third year of the said Reign, intituled *An Act in amendment of an Act, intituled 'An Act to regulate and provide for the support of the Poor in this Province;*' also an Act made and passed in the said last mentioned year of the said Reign, intituled *An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province*; also an Act made and passed in the thirty fourth year of the said Reign, intituled *An Act to explain and amend an Act, intituled 'An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province;*' also an Act made and passed in the thirty ninth year of the said Reign, intituled *An Act to authorize the Justices of the Peace of Sessions in the several Counties in this Province to make Regulations for the weighing of Hay within such Counties where it may be found necessary to erect machines for that purpose*; also an Act made and passed in the said last mentioned year of the said Reign, intituled *An Act to prevent the importation or spreading of infectious Distempers within this Province*; also an Act made and passed in the forty second year of the said Reign, intituled *An Act for altering the times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmorland*; also

an Act made and passed in the forty third year of the said Reign, intituled *An Act for regulating the exportation of Butter*; also an Act made and passed in the forty fifth year of the said Reign, intituled *An Act to alter and amend an Act, intituled 'An Act for securing the Navigation of the River Magaguadavic;*' also an Act made and passed in the said last mentioned year, intituled *An Act for the regulation of Booms for securing Masts, Logs and Lumber in the County of Charlotte*; also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act for regulating the exportation of Butter*; also an Act made and passed in the forty seventh year of the said Reign, intituled *An Act to empower the Justices of the Peace for the County of Charlotte, in their General Sessions, to regulate the Fisheries in the said County*; also an Act made and passed in the fiftieth year of the said Reign, intituled *An Act in addition to an Act, intituled 'An Act to empower the Justices of the Sessions in the several Counties in this Province to make such Regulations respecting Markets and Ferries within such Counties as may be found necessary;*' also an Act made and passed in the said last mentioned year, intituled *An Act for the further regulation of Fisheries, and for preventing their decay*; also an Act made and passed in the said last mentioned year, intituled *An Act to provide for the erection of Fences with Gates across Highways leading through Intervale Lands in Queen's County and the County of Sunbury, where the same may be found necessary*; also an Act made and passed in the fifty fourth year of the said Reign, intituled *An Act to make perpetual several Acts of the General Assembly which are near expiring*; also an Act made and passed in the said last mentioned year, intituled *An Act to repeal an Act, intituled 'An Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage,'* and for substituting other alterations and amendments of the same Act therein recited in lieu thereof; also an Act made and passed in the fifty sixth year of the said Reign, intituled *An Act to alter an Act, intituled 'An Act for the further regulation of Fisheries, and for preventing their decay,'* and also to alter another Act, intituled *'An Act to alter and amend an Act, intituled "An Act for the further regulation of Fisheries, and for preventing their decay;"'* also an Act made and passed in the fifty seventh year of the said Reign, intituled *An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns*; also an Act made and passed in the fifty eighth year of the said Reign, intituled *An Act to prevent the destruction of the Cod and Scale Fisheries in the Bays and Harbours of this Province*; also an Act made and passed in the said last mentioned year, intituled *An Act to empower and authorize the Justices of the Peace for the County of Charlotte to lease a certain piece of Common Land in the Parish of Saint Andrews, and to invest the proceeds toward the support of the Poor of the said Parish*; also an Act made and passed in the fifty ninth year of the said Reign, intituled *An Act to make perpetual several Acts of the General Assembly which are near expiring*; also an Act made and passed in the sixtieth year of the said Reign, intituled *An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with Drift Nets*; also an Act made and passed in the second year of the Reign of King George the Fourth, intituled *An Act to make more effectual Regulations relating to Pilots within this Province*; also an Act made and passed in the third year of the said last mentioned Reign, intituled *An Act to extend the provisions of an Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and for more effectually preventing Fires in the said Towns, to the Parish of Portland, in the County of Saint John*; also an Act made and passed in the said last mentioned year, intituled *An Act to make perpetual an Act to prevent the destruction of the Cod and Scale Fisheries in the Bays and Harbours of this Province*;

also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act to prevent the importation or spreading of infectious Distempers within this Province;'* also an Act made and passed in the said last mentioned year, intituled *An Act to repeal all the Laws made for preventing the incumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters, and to make more effectual provision for the same;* also an Act made and passed in the said last mentioned year, intituled *An Act in addition to an Act, intituled 'An Act for the appointment of Town or Parish Officers in the several Counties of this Province;'* also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act in addition to an Act, intituled 'An Act for the regulation of Booms for securing Masts, Logs and Lumber in the County of Charlotte;'* also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace for the County of Charlotte to make Regulations for the Market Wharf at Saint Andrews;* also an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act for regulating the Salmon and Shad Fisheries, so far as the same may relate to the River Petitcodiac, in the County of Westmorland;* also an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act to repeal an Act, intituled 'An Act to prevent the destruction of Sheep by Dogs,' and to make other and more effectual provision for the prevention thereof;* also an Act made and passed in the ninth year of the said last mentioned Reign, intituled *An act to authorize the Justices of the Peace of the County of Kent to make Rules and Regulations respecting the taking of Fish in the different Harbours, Rivers and Creeks in the said County;* also an Act made and passed in the said last mentioned year, intituled *An Act to regulate the appointment of County Treasurer;* also an Act made and passed in the said last mentioned year, intituled *An Act providing for the publication of the County Accounts;* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the extension of the Gaol Limits in the Town of Fredericton;* also an Act made and passed in the tenth and eleventh years of the said last mentioned Reign, intituled *An Act in addition to an Act, intituled 'An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same;'* also an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *'An Act to repeal all the Acts in force relating to trespasses, and to make more effectual provisions for the same;* also an Act made and passed in the said last mentioned year, intituled *An Act relating to trespasses by Horses and Swine in the Parish of Fredericton and the Town of Saint Andrews;* also an Act made and passed in the said last mentioned year, intituled *An act to continue and amend an Act, intituled 'An Act for regulating the Salmon and Shad Fisheries, so far as the same may relate to the River Petitcodiac, in the County of Westmorland;'* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace at any General or Special Sessions, to make Regulations for the destruction or confinement of Dogs during the prevalence of Canine Madness or Hydrophobia in any part of the Province;* also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the extension of the Gaol Limits in the County of Charlotte;* also an Act made and passed in the second year of the said last mentioned Reign, intituled *An Act to authorize a further extension of the Gaol Limits in the Town of Fredericton;* also an Act made and passed in the said last mentioned year, intituled *An Act to repeal an Act, intituled 'An Act in addition to an Act, intituled "An Act for the appointment of Town and Parish Officers in the several Counties in this Province;"'* also an Act made

and passed in the third year of the said last mentioned Reign, intituled *An Act to amend the Acts for the appointment of Town or Parish Officers in the several Counties in this Province*; also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act to provide for the establishing and maintaining of Booms for securing Masts, Logs and Lumber in the County of Gloucester*; also an Act made and passed in the said last mentioned year, intituled *An Act to protect the Gaspereaux Fishery in the Harbour and River of Miramichi, in the County of Northumberland*; also an Act made and passed in the said last mentioned year, intituled *An Act to provide for the safe keeping of County Records*; also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to authorize the Grand Jurors of the several Counties within this Province to inspect the Public Accounts*; also an Act made and passed in the sixth year of the said last mentioned Reign, intituled *An Act to explain, amend, and in addition to an Act, intituled 'An Act to make more effectual Regulations relating to Pilots within this Province;'* also an Act made and passed in the said last mentioned year, intituled *An Act in amendment of the Acts relating to Trespasses*; also an Act made and passed in the seventh year of the said last mentioned Reign, intituled *An Act to extend the Gaol Limits in the County of Carleton*; also an Act made and passed in the eighth year of the said last mentioned Reign, intituled *An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John*; also an Act made and passed in the first year of the Reign of Her Majesty Queen Victoria, intituled *An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton*; also an Act made and passed in the said last mentioned year, intituled *An Act to amend the Law relating to the inspection of the Public Accounts by Grand Juries, so far as relates to the County of Charlotte*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the Justices of the Peace in the County of Carleton to levy an assessment to pay off the County Debt*; also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act establishing the rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province;'* also an Act made and passed in the second year of the said last mentioned Reign, intituled *An Act to amend the Law relating to Bastardy*; also an Act made and passed in the fourth year of the said last mentioned Reign, intituled *An Act to amend an Act, intituled 'An Act for the appointment of Firewards, and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John;'* also an Act made and passed in the said last mentioned year, intituled *An Act further to amend the Law relating to Bastardy*; also an Act made and passed in the fifth year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace for the County of Charlotte to make Regulations for the Market Wharf in the Parish of Saint Stephen*; also an Act made and passed in the said last mentioned year, intituled *An Act to repeal an Act, intituled 'An Act to prevent the taking of Fish in the different Harbours and Rivers of this Province with Drift Nets, so far as the same relates to the County of Westmorland;'* also an Act made and passed in the sixth year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace in the several Counties to make Rules and Regulations for the Public Wharves and Landings in their respective Counties*; also an Act made and passed in the said last mentioned year, intituled *An Act to exempt the Members of the Fire Engine Company in the Parish of Woodstock, in the County of Carleton, from certain Parochial and County duties*; also an Act made and passed in the said last mentioned year, intituled *An Act to authorize the extension of the Gaol Limits in the Parish of Fredericton*; also an Act made and passed in the said last mentioned year, intituled *An Act to amend the Laws now*

in force relating to Trespasses; also an Act made and passed in the said last mentioned year, intituled An Act relating to the appointment of Special Constables; also an Act made and passed in the seventh year of the said last mentioned Reign, intituled An Act to authorize the Justices of the Peace in the County of Kent to levy an assessment to defray the Contingent Expenses of the County; also an Act made and passed in the said last mentioned year, intituled An Act to authorize the Justices of the Peace for the County of Charlotte to make further provision for the payment of the Treasurer of that County; also an Act made and passed in the said last mentioned year, intituled An Act to authorize the Justices of the Peace of the County of Charlotte to levy an assessment to pay off the County Debt; also an Act made and passed in the said last mentioned year, intituled An Act to empower the Justices of the Peace for the County of Gloucester, in their General Sessions, to regulate the Fisheries in the said County; also an Act made and passed in the said last mentioned year, intituled An Act to amend an Act, intituled 'An Act to make more effectual Regulations relating to Pilots within this Province;' also an Act made and passed in the eighth year of the said last mentioned Reign, intituled An Act to repeal the Act, intituled 'An Act for the better and more effectual securing the Navigation of the River Saint Croix in the County of Charlotte, and to make other and more effectual provision relating to the same;' also an Act made and passed in the said last mentioned year, intituled An Act further to amend the Law relating to Bastardy; also an Act made and passed in the said last mentioned year, intituled An Act to authorize the extension of the Gaol Limits in the County of Gloucester; also an Act made and passed in the said last mentioned year, intituled An Act to prevent malicious injuries to Nets and Seines set for taking Fish in this Province; also an Act made and passed in the said last mentioned year, intituled An Act relating to the Collectors of Parish and County Rates; also an Act made and passed in the ninth year of the said last mentioned Reign, intituled An Act to remove doubts respecting the competency of Witnesses in certain cases; also an Act made and passed in the said last mentioned year, intituled An Act to amend and explain an Act, intituled 'An Act to repeal all the Acts in force relating to Trespasses, and to make more effectual provision for the same;' also an Act made and passed in the said last mentioned year, intituled An Act to authorize the Justices of the Peace for the County of Restigouche to levy an assessment to pay off the County Debt; also an Act made and passed in the said last mentioned year, intituled An Act to authorize the Justices of the Peace for the County of Kent to levy an assessment to defray the Contingent Expenses of the said County; also an Act made and passed in the said last mentioned year, intituled An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to assess the said County for payment of the County Debt; also an Act made and passed in the said last mentioned year, intituled An Act to authorize Her Majesty's Justices of the Peace for the County of Northumberland to assess the said County to pay off the County Debt; also an Act made and passed in the said last mentioned year, intituled An Act to authorize Her Majesty's Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt; also an Act made and passed in the said last mentioned year, intituled An Act to authorize the Justices of the Peace for the County of Carleton to levy an assessment to pay off the County Debt; also an Act made and passed in the said last mentioned year, intituled An Act relating to the fencing, occupation and grazing of the several Marshes, Low Lands and Meadows in the County of Albert; also an Act made and passed in the tenth year of the said last mentioned Reign, intituled An Act to suspend the operation of the sixth and seventh sections of an Act for the further regulation of Fisheries, and for preventing their decay in certain cases; also an Act made and passed in the said last mentioned year, intituled An Act to

extend the provisions of an Act, intituled 'An Act to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires, so far as the same relate to the Towns of Newcastle and Chatham, in the County of Northumberland, and to make Regulations more suitable for the said Towns, and for other purposes therein mentioned,' to the Town of Douglstown, in the said Count; also an Act made and passed in the said last mentioned year, intituled An Act to repeal several Acts now in force relating to laying a tax on Dogs in certain Counties in this Province; also an Act made and passed in the said last mentioned year, intituled An Act to authorize Her Majesty's Justices of the Peace of the County of York to levy an assessment to pay off the County Debt; also an Act made and passed in the said last mentioned year, intituled An Act to authorize Her Majesty's Justices of the Peace for the County of York to levy an assessment to pay off the Debt due upon the new Gaol recently erected in the said County; also an Act made and passed in the said last mentioned year, intituled An Act to authorize Her Majesty's Justices of the Peace for the County of York to levy an assessment for the payment of the Officers of the said County; also an Act made and passed in the said last mentioned year, intituled An Act to authorize Her Majesty's Justices of the Peace of the County of Gloucester to make provision for the payment of the County Contingencies; also an Act made and passed in the said last mentioned year, intituled An Act to authorize the Justices of the Peace for the County of Kent to assess the inhabitants of the said County for the Contingent Expenses thereof; also an Act made and passed in the said last mentioned year, intituled An Act relating to Lands reserved for Schools or Educational purposes; also an Act made and passed in the said last mentioned year, intituled An Act to amend an Act, intituled 'An Act to repeal all the Laws now in force for appointing Firewards, and for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town, and for other purposes therein mentioned;' also an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act, intituled 'An Act for the appointment of Town and Parish Officers in the several Counties in this Province;'* also an Act made and passed in the eleventh year of the said last mentioned Reign, intituled *An Act to authorize the Justices of the Peace in the several Counties of this Province to make Regulations for the Markets;* also an Act made and passed in the said last mentioned year, intituled *An Act to explain an Act, intituled 'An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same;'* also the fifth section of an Act made and passed in the said last mentioned year, intituled *An Act to amend an Act to provide for increasing the number of Special Constables in the City of Saint John, and for appointing Special Constables in the City and County of Saint John;* also an Act made and passed in the twelfth year of the said last mentioned Reign, intituled *An Act to authorize Her Majesty's Justices of the Peace in the County of Albert to designate the Gaol Limits of said County;* also an Act made and passed in the said last mentioned year, intituled *An Act in addition to an Act to regulate the ungranted Ferries in this Province;* also an Act made and passed in the said last mentioned year, intituled *An Act to alter and amend an Act, intituled 'An Act to provide for the collection of County and Parish Rates;'* be and the same are hereby repealed:

Provided always, that all appointments of Town or Parish Officers and of County Officers, as well as of Firewards and Firemen, made under and by the authority and according to the provisions of any of the said Acts hereby repealed, shall be and remain and continue good and valid and

effectual, until other appointments are made in lieu thereof, under and by virtue of the provisions of this Act;

And that all rules and regulations now in force, and which have been made under and by virtue of any of the Acts hereby repealed, shall be, remain, and continue in full force and effect, so far as the same are in accordance with the said Acts, or any of them, until other rules and regulations are duly made in lieu thereof, according to the provisions of this Act:

Provided also, that all assessments heretofore made and not yet collected, or which may be made before this Act comes into operation, shall be and remain as valid and effectual, and shall be proceeded for and collected in the same manner as if the Act or Acts under which the same were respectively made, were still in full force and effect;

And that all fines and penalties heretofore imposed under and by virtue of any of the said Acts, may be recovered and applied in the manner provided for in and by the said Acts, or any of them, as if the Act or Acts by which they were imposed were still in full force and effect;

And that all bonds, recognizances, judgments, and securities, given, recovered or entered into under and by virtue of the provisions of any of the said Acts, shall be and remain in full force and effect in all respects as if this Act had not been passed;

And that all property, real or personal, now held by any Justices of the Peace of any County, either in trust or otherwise, for the use and benefit of such County, shall be and remain so held to all intents and purposes under the provisions of this Act;

And that all leases and conveyances of any property made under and by virtue of any of the said Acts, shall in no wise be affected by the repeal of any of the said Acts;

And that all actions at law which may have been commenced in any Court based upon any of the provisions of any of the said Acts, may still be proceeded with in all respects as if this Act had not been passed;

And that all other matters and things commenced under and by virtue of any of the provisions of the said Acts, may be proceeded with and completed according to such provisions, in the same manner as if the said Acts were still in full force and effect;

And that all other acts, matters and things heretofore done under and by virtue of any of the said Acts, shall be and remain good, valid and effectual, so far as they or any of them are according to the provisions of the said Acts, or any of them:

Provided also, that all gaol limits fixed or established under and by virtue of any of the Acts hereby repealed, or under and by virtue of any Acts which may expire during the present year, be and remain so established until such gaol limits are further defined and established by the General Sessions, under and by the authority of this Act;

Provided also, that nothing in this Act contained shall be deemed or construed to repeal the provisions of any Act not hereby expressly repealed, and that no Act or part of an Act repealed by any of the said Acts hereby repealed, shall revive or come into force after the passing of this Act;

And also provided, that nothing in this Act contained shall be construed to affect, or in any wise to interfere with the rights, powers, duties, authorities or privileges of the Corporation of the City of Saint John, or of the City of Fredericton.

II. And be it enacted, That the Schedule to this Act annexed shall be deemed and taken to be parcel of this Act, and that the Analysis, and all the Sections of such Schedule, and all the Articles of such Sections, and the Headings, Summaries of Contents, and numbers thereof respectively, shall all be deemed and taken to be enacted by this present Act, as if such Analysis, and every of such Sections, Articles, Headings, Summaries of Contents, and Numbers, had been expressly and in terms herein recited with the usual words and in the usual forms of enactment, or declaration, or proviso, as the case may be.

III. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like effect, shall be deemed good, valid and sufficient in law.

IV. And be it enacted, That all Fees charged and taken under and by virtue of any of the provisions in the Schedule to this Act contained, except where otherwise provided for, shall be according to the Tables of Fees in Section XVII. of the said Schedule.

V. And be it enacted, That this Act may be altered or amended at any time during the present Session of the Legislature.

ANALYSIS OF THE FOLLOWING SCHEDULE.

SECTION.

- I. Election and appointment of Town, Parish and County Officers.
- II. Rates and Taxes.
- III. Compensation to Officers, and Rewards.
- IV. Bastardy.
- V. Infectious Distempers.
- VI. Prevention and extinguishing of Fires
- VII. Harbours.
- VIII. Fences, Trespasses, and Pounds.
- IX. Protection of Sheep from Dogs.
- X. Power to make Rules and Regulations in certain specified cases.
- XI. Dams, and Sluiceays, and Fishways.
- XII. Lands for Public uses, and School Reserves.
- XIII. County Buildings and County Offices
- XIV. County Contingencies and Assessments therefor, and County Accounts.

- XV. Actions against Officers, and recovery of Penalties.
- XVI. Rules of Construction.
- XVII. Forms and Table of Fees.

SCHEDULE TO WHICH THIS ACT REFERS.

SECT. I – ELECTION AND APPOINTMENT OF TOWNS, PARISH AND COUNTY OFFICERS. SUMMARY OF CONTENTS.

Article 1, Parish Officers to be elected; Art. 2, Time and place of Election; Art. 3 & 4, Mode of Election; Art. 5, List to be sent to Clerk of the Peace; Art. 6, Election to be confirmed by Sessions; Art. 7, If no Election, Sessions may appoint; Art. 8, Other Officers to be appointed by Sessions; Art. 9, All Officers to be sworn within fourteen days; Art. 10, Persons refusing to act, how supplied; Art. 11, Penalty for refusal or misconduct; Art. 12, Constable may be dismissed for misconduct; Art. 13, Special Constables, and Oath of Office; Art. 14, Powers and privileges of Special Constables; Art. 15, Who may not be Treasurer or Auditor; Art. 16, Security by County Treasurer; Art. 17, Duty of Treasurer; Art. 18, Discharge of Treasurer; Art. 19, Special Sessions, how convened; Art. 20, Number of Justices required.

ART. 1.

From and after the time when this Act shall come into operation, the following Town and Parish Officers, or so many thereof as shall be deemed necessary, shall be annually elected in and for every Town or Parish, viz:–

3 Overseers of the Poor,	2 or more Constables,
3 Commissioners of Roads,	1 or more Collectors of Rates,
1 Town or Parish Clerk,	2 or more Fence Viewers,
2 or more Pound Keepers,	1 Clerk of the Market,
2 or more Hog Reeves,	2 or more Boom Masters,
1 or more Surveyors of Dams,	1 or more Inspectors of Butter,
1 or more Sealers of Leather,	1 or more Surveyors of Grindstones,
3 Assessors of Rates,	1 or more Field Drivers.
3 or more Surveyors of Roads,	

ART. 2.

The said Officers shall be elected as follows: On the Tuesday next preceding the General Sessions at which Town and Parish Officers are to be appointed, the rate payers on property in the Parish, and who shall have paid their rates for the previous year, or so many thereof as may see fit, shall attend at some convenient place, to be selected and notified by the Town Clerk, and shall there elect, by a majority of votes, a Chairman to preside over their meeting, and of which the Town Clerk shall act as Secretary.

ART. 3.

It shall be the duty of the Chairman to call upon the meeting to propose separately such persons as they may desire for Town and Parish Officers, and upon each proposition to take the opinion of the meeting, and to decide as to the majority of votes.

ART. 4.

Upon the election of each person, his name and office shall be written down by the Town Clerk, and read aloud to the meeting before any other officer is elected.

ART. 5.

After the officers are all elected, a correct list shall be made out and certified by the Chairman, and attested by the Town Clerk, and forthwith forwarded to the Clerk of the Peace of the County, to be laid before the next General Sessions at the Opening of the Court.

ART. 6.

The persons so selected and certified shall in all cases be confirmed in their offices by the General Sessions, and shall continue in office for one year.

ART. 7.

If the rate payers of any Parish fail so to elect the officers as hereinbefore provided, or shall not elect a sufficient number, or if no certified list be laid before the Court, the General Sessions are authorized and empowered to make the necessary appointments.

ART. 8.

In addition to the officers so elected, the General Sessions shall, if necessary, from time to time appoint and remove at pleasure, a County Treasurer, a County Auditor, two or more Overseers of Fisheries, two or more Inspectors of Fish, one or more Wharfingers, and such and so many Port Wardens, Harbour Masters, Pilots and Firewards as to the General Sessions may seem necessary; provided that no person shall be appointed a Pilot until first recommended by the Port Wardens, or the major part of them.

ART. 9.

Every such officer so elected or appointed shall be sworn to the faithful discharge of his duty, either before the Sessions when confirmed or appointed, or within fourteen days after his confirmation or appointment before a Justice of the Peace, and such Justice shall forthwith make return to the Clerk of the Peace of every officer so sworn as aforesaid.

ART. 10.

In case of refusal or neglect to serve, or in case of the death or removal of any person so elected or appointed during the year, any two Justices of the Peace for the County may appoint a fit person to any such vacant office until the next General Sessions, when another person may be appointed in his place if it shall be deemed necessary; and if any person so appointed by two Justices of the Peace shall refuse or neglect to serve, any two Justices of the Peace as aforesaid may appoint another in his place, and so on as often as a similar case may occur.

ART. 11.

If any person elected or appointed to any of the said offices shall refuse to serve, or shall be guilty of any misbehaviour or neglect of duty not hereinafter otherwise specially provided for, such person shall forfeit and pay the sum of forty shillings.

ART. 12.

In addition to any penalty imposed for misbehaviour or neglect of duty of any Constable, any Sessions may dismiss from office any such Constable, and appoint another person in his place.

ART. 13.

If any two Justices of the Peace shall deem it necessary at any time to appoint additional Constables in any Parish, for the preservation of the Peace, such Justices of the Peace are hereby authorized to appoint so many persons as they shall think fit, to act as Special Constables for the said Parish; and the said Justices shall at the time of such appointment administer to each of the said Special Constables the following oath:—"I ___ do swear, that I will well and truly discharge the duty of Special Constable, without favour or affection, malice or ill will, and that I will, to the best of my power, cause the Peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's Subjects, while I continue to hold the said Office.—SO HELP ME GOD."

ART. 14.

Every Special Constable so appointed shall have and enjoy all such powers, authorities and immunities as any Constable, duly appointed, now has by virtue of the Common or Statute Laws and Acts of Assembly; and if any person assault or resist any such Special Constable whilst in the execution of his office, or shall promote or encourage any other person so to do, any such person shall, upon conviction thereof, be liable to the punishment prescribed by Article one, Chapter six, of the Criminal Law Consolidation Act, one thousand eight hundred and forty nine.

ART. 15.

No Justice of the Common Pleas, Justice of the Peace, Clerk of the Peace, or Coroner, shall be County Treasurer or County Auditor, or hold any other office by virtue of which they are required by law to account to the General Sessions for the receipt, expenditure or payment of public moneys.

ART. 16.

The County Treasurer shall, before he enter upon the duties of his office, give good and sufficient security, to the satisfaction of the General Sessions, for the due application, under the orders of the said Sessions, of all moneys which may come into his hands as such Treasurer, and for the faithful execution of the duties of his office.

ART. 17.

Such Treasurer shall keep correct Books of Entry and Account, showing all moneys received and paid by him as Treasurer, and when required so to do by the General Sessions, shall lay before

them full and correct accounts of all sums of money received and paid by him, distinguishing the particular uses to which such moneys have been applied, together with the proper vouchers for the same.

ART. 18.

The discharge of the General Sessions shall be a good and sufficient release to the County Treasurer.

ART. 19.

A Special Sessions may be called by the Clerk of the Peace at any time upon the requisition, in writing, of any two Justices of the Peace of the County, and the Clerk of the Peace shall forthwith cause timely notice thereof to be given to the several Justices of the County, at the same time informing them of the object of such Special Sessions.

ART. 20.

No proceeding shall be taken by such Special Sessions unless five Justices of the Peace are present thereat.

SECT. II. – RATES AND TAXES.

SUMMARY OF CONTENTS.

Article 1, Annual state of Poor; Art. 2, Employment of Poor, and binding Children; Art. 3, Appeal against Parish Rates; Art. 4, Effect of quashing, on other Parishes; Art. 5, When new Rates may be made; Art. 6 and 7, When Certiorari may be allowed, and how obtained; Art. 8, Rate not void for defect of form; Art. 9, No action against person collecting; Art. 10, Re-payment on quashed Rates; Art. 11, Rates on Poll and Property; Art. 12, Notice by Assessors; Art. 13, Mode and form of assessment; Art. 14, Assessors to give List, with Precept, to Collector; Art. 15, Exemption of French; Art. 16, Rule in case of Mortgages; Art 17, As to Property of Corporations; Art. 18, Exemption of Stockholders; Art. 19, Statement of, Property by owner; Art. 20, Duty of Assessors thereon; Art. 21, Assessment exceeding amount in Warrant; Art. 22, Appeal; Art. 23, Security by Collectors; Art. 24, Demand by Collectors; Art. 25, Proceedings against defaulters in the County; Art. 26, Proceedings against non-residents out of the County; Art. 27, Payment by Collectors; Art. 28, Discharge of Collectors; Art. 29, Proceedings valid though after time limited; Art. 30, Neglect of duty by Collectors; Art. 31, Correction of errors by Assessors.

ART. 1.

The Overseers of the Poor shall annually, at such time as may be for that purpose appointed by the General Sessions, lay before such General Sessions a correct representation of the number, state and condition of the Poor in their several Parishes, and the sum required therefor; which statement the said General Sessions are hereby authorized and required to examine and allow, and thereupon forthwith by Warrant (Aa) to order such sum to be assessed and collected in due course of Law.

ART. 2.

The said Overseers of the Poor, or any two of them, by and with the consent of two or more Justices of the Peace, shall inquire from time to time after any idle or disorderly person who has no visible means of support, and who is likely to become chargeable to the Parish where he resides, and to oblige such person to labour for any other person who may be willing to employ him; and if such poor person has any children in a suffering condition, the said Overseers, or any two of them, with the consent of the said Justices of the Peace, may bind such children apprentices, if males until twenty one years of age, and if females until eighteen years of age.

ART. 3.

If the Assessors shall be of opinion that the Town or Parish for which they are appointed, is over-rated, they may appeal to the next General Sessions against such rate, which General Sessions may hear and finally determine the same.

ART. 4.

Upon such appeal, such rate shall not be quashed in regard to any other Town or Parish assessed thereby.

ART. 5.

No new rate shall be made until it shall appear to the General Sessions that three fourths of the money collected by virtue of the preceding rate have been expended for the purposes intended.

ART. 6.

No Writ of Certiorari to remove any rate, or any order or other proceeding under this Section, touching such rate, shall be granted, unless at the Term next after the time for appealing from such rate or order, nor until sufficient security be given to the County Treasurer, in the sum of one hundred pounds, to prosecute such Writ with effect, and to pay all costs thereon, in case the rate or order or other proceeding be confirmed.

ART. 7.

In order to obtain such Certiorari it must be shewn to the Court by affidavit, that the merits of the question upon such rate or order will come properly within the cognizance of the Court.

ART. 8.

No rate, order or other proceeding shall be quashed or vacated for defect of form only, and all charges attending such removal shall be defrayed out of the rate in question, or any subsequent rate upon the same Parish.

ART. 9.

No action shall be commenced against any person employed in collecting or receiving any money assessed under this Section on any rate that may be quashed on Certiorari.

ART. 10.

All sums of money paid on any rate which shall be quashed, shall be repaid to the persons paying the same, or entitled thereto.

ART. 11.

All sums of money to be assessed and raised for County or Town or Parish charges or expenses, under or by virtue of the authority of this or any other Act or Acts of Assembly made or to be made, shall be assessed, levied and raised by an equal rate not exceeding one eighth of the whole amount ordered to be assessed, upon the poll of all male inhabitants of the Town or Parish of the age of twenty one years and upwards, not being paupers, and by a rate in just and equal proportion upon the real estate situate within such Town or Parish, and upon the personal estate and incomes of the inhabitants of such Town or Parish, according to the best knowledge and discretion of the Assessors, subject to the regulations hereinafter contained.

ART. 12.

After receiving any Warrant of Assessment, the Assessors shall forthwith cause public notice thereof to be given, by posting up notices in at least three of the most public places within the Parish, and also by publishing such notice in one or more public newspapers, if there be any such printed within the Parish.

ART. 13.

The Assessors shall thereafter, without delay, meet at a time and place to be agreed upon, and they, or the major part of them, shall prepare a List (A), the first column to contain the names of all persons ratable within the Parish, resident and non-resident; the second column to contain the amount of Poll Tax to be paid by each inhabitant liable to pay the same; the third column to contain the amount of real estate within the Parish owned by each inhabitant; the fourth column to contain the amount of the personal estate of each inhabitant; the fifth column to contain the value of the real estate of non-residents; the sixth column to contain the annual income of such male inhabitants as may derive income from any place, profession, occupation or employment within this Province, not being from real or personal estate; the seventh column to contain twenty per cent of the before mentioned value of real and personal estate; the eighth column to contain the sums so reduced to twenty per cent, and the said amounts of annual income; and when any inhabitant has both annual income and the twenty per cent of the value of property set opposite to his name in the said sixth and seventh columns, such sums shall be added together and set in the eighth column; and the amount to be raised and assessed, after deducting the whole amount of Poll Tax therefrom, shall be apportioned among the several persons so named, in exact proportion to the sums in the eighth column set opposite to their respective names; the ninth and last column shall contain the several sums so apportioned, with the addition of the Poll Tax of each person liable therefor, and shall be called "Total Assessment."

ART. 14

The Assessors shall within sixty days after receipt of any Warrant of Assessment deliver to the several Collectors of Rates within the Town or Parish, lists made out in form aforesaid, and containing the names of all persons rated within the respective Districts to which such Collectors

may have been appointed; and such lists shall be signed by the Assessors, or the major part of them, who shall endorse thereon a Precept (B), under their hands; and the same Assessors shall make out a duplicate list of such assessments, and transmit the same, with the Warrant of Assessment, within ten days after the assessment is completed, to the Clerk of the Peace, to be filed of Record; and if any Assessor shall neglect to perform any of the duties so required of him, he shall be liable to the penalty of ten pounds.

ART. 15.

The General Sessions, in any order for assessment for the support of the Poor, may at the time, if they in their discretion shall think proper, exempt the French inhabitants who may be resident in any Parish in which such assessment is to be made, from the whole or any part of such assessment; and when any such exemption is so made, the same shall be expressed in the Warrant of Assessment, and the Assessors to whom the same may be directed shall conform thereto in making their assessment.

ART. 16.

In cases of mortgaged real estate, the mortgagor shall, for the purpose of assessment, be deemed to be the owner until the mortgagee shall have taken possession, after which the mortgagee shall be deemed and taken to be the owner.

ART. 17.

The real and personal estate of all Joint Stock Corporations shall be liable to assessment under this Act, in like manner as the real and personal estate of individuals; and for the purposes of such assessment, the President, or any Agent or Manager of any such Joint Stock Corporation, shall be deemed to be the owner of the real and personal estate of such Corporation, and shall be dealt with and may be proceeded against accordingly; and the principal place of carrying on the business and operations of any such Corporation shall be deemed to be the place of inhabitancy of such Corporation; and such President, Agent or Manager shall, in regard to the real and personal estate of such Corporation, be assessed separately and distinctly from any other assessment to which he may be liable, and he may charge against and recover from such Corporation the amount of any assessment which he may have been required to pay on account of such Corporation, under the provisions of this Act; provided that nothing in this Act shall render liable to such assessment the real or personal estate of the Corporation of the City of Saint John, or of the City of Fredericton, or of any Literary or Charitable Corporation, Society, or Institution.

ART. 18.

No stockholder of any such Joint Stock Corporation shall be rated or assessed for or on account of any property in or income derived from any such Corporation.

ART. 19.

Any person liable to be assessed, whether resident or non-resident, may at any time within thirty days after publication of the notice prescribed by Article 12 of this Section, furnish the Assessors with an account in writing, under oath before a Justice of the Peace, of his real estate within the Parish, and of his personal estate and income, specifying therein the value of such real estate, and

the amount of his income, and the amount of his personal estate, after deducting from such personal estate the just debts which he may owe.

ART. 20.

The Assessors shall value the real and personal estate and income of the inhabitants, and the real estate of the non-residents, according to the respective statements so made by them and verified as aforesaid.

ART. 21.

In every assessment now or hereafter made, such assessment shall be deemed and taken to be legal, although the aggregate amount thereof shall exceed the sum so ordered to be assessed, provided that such excess be not more than ten per cent on the sum so ordered.

ART. 22.

Any person thinking himself over-rated, either as to property or income, may appeal to the next General Sessions after he shall have had notice of such assessment, and if such appeal shall be supported to the satisfaction of the said General Sessions, they shall give such relief as they may think just, either by directing the sum over-rated not to be collected, or if collected, to be repaid.

ART. 23.

The General Sessions, whenever they may deem it necessary, may require that the Collectors of Rates shall severally give satisfactory security for the due and faithful discharge of their duty, in a sum not less than two hundred pounds, such security to be by bond to the Crown, with two or more sureties.

ART. 24.

The several Collectors shall without delay after the receipt of any assessment list and precept as aforesaid, demand and collect the several sums contained in the said list of every person therein named, and shall, if required, give a written statement shewing the several amounts assessed on such person; and in any case where a personal demand cannot be made, shall leave a written or printed notice, containing a statement, shewing the several amounts assessed on such person so being absent, and the time at which the same is to be paid, at the dwelling house or last place of abode of such person, either with the wife or some adult member of his family.

ART. 25.

If any person assessed within any Parish, or any assessed non-resident of the Parish who resides within the County of which the Parish forms a part, shall refuse or neglect to pay the amount of his assessment by the space of ten days after such demand or service of notice as aforesaid, the Collector shall make application to any Justice of the Peace of the County, who is hereby authorized, upon oath being first made by the said Collector that the amount assessed upon any person has not been paid after demand or notice as aforesaid, to issue an execution (C) against the person complained of; and the Constable to whom such execution shall be delivered shall forthwith proceed to levy the same, in like manner as provided by law for regulating proceedings before Justices of the Peace in civil suits; and no person committed to Gaol under such execution

shall be detained more than one day for every two shillings of the amount assessed and costs, required by such execution to be levied, or more than fifty days in the whole, if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time, but the said execution shall remain in full force and effect for the space of twelve months from the date thereof, against the property of such person so discharged as aforesaid.

ART. 26.

When any person assessed as a non-resident shall not reside within the County wherein he is so assessed, the Collector may sue in his own name for the amount assessed, in an action of debt in any Court having jurisdiction to the amount thereof, and in such action an extract from the assessment containing the rate or assessment of the person so sued, certified by the Clerk of the Peace, shall be conclusive evidence of such assessment, or the said Collector may proceed to obtain payment of the said assessment of such non-resident as follows, viz:—

The Collector shall as soon as may be, cause public notice to be given of such assessment in any newspaper published in the County wherein such assessment has been made, and if no such newspaper, then in the Royal Gazette, for the space of three months; and if the assessment be not then paid, with the expense of such notice, any two Justices of the Peace of the County wherein the property lies, are hereby authorized, on the application of such Collector, by warrant under their hands and seals, to order the Sheriff of the said County to sell at public auction to the highest bidder, first giving thirty days notice of such sale in the manner before mentioned, so much of the said real property as may in his judgment be sufficient to pay such assessment, with all the costs and charges attending the recovery of the same, retaining the overplus, if any, for the use of such owner, and the said Sheriff is hereby empowered and directed to execute a deed to the purchaser of such property, his heirs and assigns, and to deliver seizin and possession thereof to such purchaser.

ART. 27.

Every Collector shall, on the first Monday in every month, pay over to the person or persons authorized to receive the same, the several sums which may have been received by such Collector during the preceding month, with a list of the persons from whom the same may have been received, and shall also within four months after the receipt of the precept as aforesaid, render to the Clerk of the Peace under oath, a true account of every sum of money received by such Collector on account of the said assessment, with vouchers for all sums paid by him, and also a correct list of defaulters, and at the same time return to such Clerk of the Peace the assessment list delivered to him by the Assessors.

ART. 28.

The receipt of the County Treasurer or other person duly authorized to receive the moneys collected, shall be a sufficient discharge to every Collector.

ART. 29.

When any Clerk of the Peace, Assessor, or Collector, may have neglected to perform his duty within the time for such purpose limited by this Act, the performance of such duty thereafter by

such Clerk of the Peace, Assessor, or Collector, shall be held good and valid for all the purposes of this Act.

ART. 30.

And if any Collector shall neglect to pay over any of the moneys so received by him, on or before the days specified for that purpose, or to proceed against any defaulter as aforesaid, or to render such account or list as aforesaid, any General Sessions or any Special Sessions may order such Collector to be brought before them, and the Constable or other officer who may serve such order, shall arrest the body of such Collector and bring him forthwith before such Sessions, who shall thereupon, if they see fit, commit such Collector to Gaol, there to remain until he shall have made full satisfaction for all moneys so collected and retained by him, and until he shall have rendered a full and correct account of the collections so made by him, with the list of defaulters as aforesaid, and whether proceeded against or not, unless the said Justices for some sufficient cause shewn by such Collector may deem it proper to discharge him.

ART. 31.

If in the preparation of Assessment Lists it shall happen that the name of any person residing within the Parish where the assessment is ordered, shall have been omitted by the Assessors, or if property, real or personal, belonging to one person, shall be assessed against another person, or if any error shall occur in adding, apportioning or extending the various sums in the Assessment Roll, the Assessors, or the major part of them, may at any time before a subsequent rating for the same purpose is ordered, supply such omissions and correct such errors in the Assessment List.

SECT. III. – COMPENSATION TO OFFICERS, AND REWARDS.

SUMMARY OF CONTENTS.

Article 1, To Assessors and Collectors; Art. 2, To the Clerk of the Peace, Treasurer, &c.; Art. 3, To Special Constables; Art. 4, To Officers attending Court or arresting Felons; Art. 5, Rewards for Felons; Art. 6, Funds for paying under Articles 3, 4, and 5.

ART. 1.

There shall be allowed to the Assessors and Collectors respectively such compensation for their services as the General Sessions shall order, not to exceed in the whole fifteen per cent on the amount ordered to be assessed; and a sum equal to such per centage as may be allowed on the amount so ordered to be assessed shall be included in every Warrant of Assessment, and when collected shall be paid into the hands of the County Treasurer, for the purpose of paying the Assessors and Collectors, and other expenses of assessing and collecting.

ART. 2.

The General Sessions may allow such reasonable compensation to the Clerk of the Peace, the County Treasurer, and other County Officers, not being Justices of the Peace, as shall be deemed just and reasonable; and the same, when so ordered, shall be included in the contingencies of the County.

ART. 3.

In all cases where it may be found necessary to appoint Special Constables as before provided, the General Sessions may order and allow such sum of money for the services and expenses of such Special Constables as the said General Sessions may deem meet, and if necessary may order an assessment upon any Parish or Parishes in the County for the payment thereof, but not more than one fourth part of such assessment shall be levied by a poll tax.

ART. 4.

Any General or Special Sessions for that purpose holden, may make and order an allowance to the Sheriff and all and any of the Constables or other Peace Officers of the County, for any services by them performed in the execution of their offices, or in attending any Courts held in the County, or in apprehending and searching for, or endeavouring to apprehend any person charged with or suspected of any felony, and may order such sums of money to be paid out of the contingent funds of the County.

ART. 5.

Any General Sessions, or Special Sessions for that purpose holden, may offer and pay any reward for the apprehension of any felon or person accused or suspected of felony, as the said Sessions in their discretion shall think needful in promoting the due and proper execution of the laws, and may order the payment of such rewards to be made from the contingent funds of the County.

ART. 6.

In case the contingent funds for the year shall not be sufficient to bear the expenses which may be payable under the two last Articles, the General Sessions may order and direct what amount shall be rated, levied and assessed for the said expenses, in addition to the annual rate and assessment for the said County, which said amount, when so levied and assessed, shall be paid into the hands of the County Treasurer for the purposes aforesaid.

SECT. IV. – BASTARDY.

SUMMARY OF CONTENTS.

Article 1, Complaint and Warrant thereon; Art. 2, Proceedings on Warrant; Art. 3, When Justice of the Peace may discharge person charged; Art. 4, When woman not to be examined; Art. 5, Order of Affiliation without trial; Art. 6, Order on trial and conviction; Art. 7, Corroborative evidence; Art. 8, Postponement of Order; Art. 9, When and for what, Order to be made; Art. 10, Limitation of Order; Art. 11, The father, on notice, to pay sums ordered; Art. 12, Proceeding on refusal; Art. 13, Discharge of father from inability; Art. 14, Recognizance and penalty; Art. 15, Proceedings on Recognizance under five pounds damages; Art. 16, Proceedings on Recognizance by Scire Facias; Art. 17, Judgment and Execution; Art. 18, Application of proceeds; Art. 19, Discretionary powers to give relief; Art. 20, Service of Scire Facias and Execution; Art 21, Fees on Execution, and when paid from Contingencies; Art. 22, Certified copy of proceedings, evidence; Art. 23, Commissioners of Alms House.

ART. 1.

If any single woman, upon examination in writing, under oath before any Justice of the Peace, shall declare that she has been delivered, or is likely to be delivered of a bastard child, which will be chargeable to any Parish, and shall charge any person therewith, such Justice of the Peace, on application to him by an Overseer of the Poor of such Parish, shall issue his Warrant (D) to apprehend the person so charged.

ART. 2.

Upon such person so charged being brought before a Justice of the Peace, he shall be committed to Gaol, unless he give satisfactory security (E) to indemnify the Parish, or shall enter into a recognizance (F) with sufficient sureties, to appear at the next General Sessions for the County to abide the Order of the Court in the matter.

ART. 3.

If the woman die or marry before she is delivered, or if she miscarry of the child, or shall appear not to have been pregnant at the time of the examination aforesaid, in any such case the person charged shall be forthwith acquitted and discharged by a Warrant (G) of a Justice of the Peace.

ART. 4.

No Justice of the Peace shall send for any woman before she is delivered, or until one month after, in order to take her examination as to her pregnancy, or shall compel her to answer any questions relating to her pregnancy before the delivery of the child.

ART. 5.

If the person charged has entered into recognizance to appear as aforesaid, and appears accordingly, and does not traverse or deny the charge, the General Sessions shall thereupon make an order of affiliation or maintenance (H).

ART. 6.

If such person appear as aforesaid and traverse or deny the charge, the said Sessions shall proceed to hear evidence therein, and if satisfied that the person charged is in truth the father of the said child, they shall make such order therein as to them shall appear just and reasonable under all the circumstances of the case.

ART. 7.

If such order be made upon the evidence of the mother, the same shall be corroborated in some material particular by other evidence if the Sessions shall deem it necessary.

ART. 8.

The consideration and making of such order may be postponed from time to time upon sufficient reasons therefor, and in such case the person charged shall enter into the like recognizance (F), as provided in Article 2 of this Section.

ART. 9.

No such order shall be made until after the child becomes chargeable, nor shall any such order exceed the actual expenses, past and future, for the support of such child while chargeable on the Parish, the lying-in expenses, and the expenses incurred in apprehending and convicting the person charged.

ART. 10.

Such order shall continue in force only until the child attain the age of seven years.

ART. 11.

On notice of the order in the last three Articles mentioned, such father shall forthwith pay to the County Treasurer for the use of the Overseers of the Poor of the Parish interested, the sums so ordered for expenses already incurred as aforesaid, and shall also enter into recognizance (J) with sufficient sureties, to pay the said Overseers of the Poor the weekly sum so ordered for the future support of such child.

ART. 12.

If the father refuse or neglect to perform such order or to give such recognizance, the said Sessions may forthwith commit him to Gaol until he enter into such recognizance or be otherwise discharged.

ART. 13.

When the father is wholly unable to comply with such order or to give such recognizance, the said Sessions may at any time in their discretion order him to be discharged.

ART. 14.

No recognizance under any Article of this Section shall exceed the penal sum of fifty pounds.

ART. 15.

When any bond of indemnity or recognizance taken by virtue of any Article of this Section shall become forfeited, and the sum actually due thereon by way of damages does not exceed five pounds, such sum may be recovered with costs before any Justice of the Peace, pursuant to the law regulating proceedings before Justices of the Peace in civil suits.

ART. 16.

When the sum actually due by way of damages on such forfeited bond or recognizance may exceed five pounds, the Clerk of the Peace, at the instance of the Overseers of the Poor of the Parish interested, shall issue a *Scire Facias* (K) either in Term or Vacation, for the recovery of the penalty of the said recognizance, which shall be served at least fourteen days before the return thereof.

ART. 17.

Upon the return of the said *Scire Facias* duly served as aforesaid, the General Sessions, whether the party appear or make default, may proceed in a summary manner to hear and determine the

question, and in case the recognizance shall be adjudged forfeited, shall enter judgment thereon (L) and may thereupon award execution (M) directed to the Sheriff of the County.

ART. 18.

The amount collected on the said Execution, exclusive of costs, shall be paid by the Sheriff to the County Treasurer, and shall be applied under the direction of the Sessions to the support of the Poor of the Parish interested, and the costs collected shall be paid to the Clerk of the Peace.

ART. 19.

The General Sessions may from time to time in their discretion make such order and give such relief, either for stay of proceedings upon, or the discharge of any recognizance taken by virtue of any Article of this Section, and on such terms and conditions as they may think reasonable and proper.

ART. 20.

The Sheriff shall serve such *Scire Facias* or Execution in the same manner as other Writs of *Scire Facias* or Execution are served, and shall make due return thereof, and shall be entitled to the same fees as in other like cases.

ART. 21.

In the case of an Execution levied by or paid to the Sheriff, he may levy or receive his fees for service and poundage thereon from the party against whom such Execution may be issued; and any fees not so levied and received shall be paid to the Sheriff out of the contingent fund of the County.

ART. 22.

A copy of any proceedings under this Section, certified and signed by the Clerk of the Peace, and under the Seal of the Sessions, shall be received in all Courts of Law or Equity in this Province, as evidence of such proceedings.

ART. 23.

In any Parish wherein or for which an Alms House or Poor House is established, the Commissioners thereof shall in all respects be deemed the Overseers of the Poor of such Parish for all the purposes of this Section.

SECT. V. – INFECTIOUS DISTEMPERS.

SUMMARY OF CONTENTS.

Article 1, Appointment of Health Officers; Arts. 2 and 3, Making of Rules and Regulations; Art. 4, Proviso; Art. 5, Rules, &c., to be laid before Governor and Council; Art. 6, Recovery of Penalties; Art. 7, Application of Penalties.

ART. 1.

Any General Sessions, or any Special Sessions for that purpose called, may nominate and appoint, by Warrant under the Seal of the Court, not exceeding two Physicians, as Health Officers, and define and regulate their powers and duties as such officers, and fix and establish their fees for such duties.

ART. 2.

The Sessions may make from time to time such rules and regulations for the prevention and removal of nuisances injurious to health, and for the promotion of cleanliness, and preventing the spreading of contagious or infectious distempers, as they may deem proper, and may thereby impose such fines and penalties as they may consider necessary, not exceeding in any case the sum of ten pounds.

ART. 3.

Such Sessions may make such further rules and regulations for preventing the importation and spreading of any contagious or infectious distempers as they may deem necessary, and may order and direct, by any such regulations, the performing of quarantine by any vessel; and may prohibit any person from landing from such vessel during quarantine without licence therefor being first had; and may prevent any intercourse between any person on board such vessel and any other person; and for the better enforcing the observance of such regulations, the said Sessions may impose such fines and penalties as they may deem necessary, not to exceed in any case the sum of one hundred pounds.

ART. 4.

No such rules and regulations shall be of any effect which are repugnant to the provisions of any general or local Acts of the Legislature relating to the subject matter thereof.

ART. 5.

A copy of all such rules and regulations shall be forthwith transmitted to the Secretary of the Province, for the consideration of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Executive Council, who may confirm or cancel all or any part of the same, as they may deem most advisable; and such confirmation or cancelling shall, as soon as practicable, be reported to the Clerk of the Peace for the County, and no such rules and regulations shall be in force until so confirmed as aforesaid.

ART. 6.

Any penalty imposed by any of the said regulations, not exceeding twenty pounds, may be recovered before any two Justices of the Peace of the County, according to the forms and provisions of twelfth Victoria, Chapter thirty one; and if exceeding twenty pounds, by action in the Supreme Court or Inferior Court of Common Pleas of the County; and in either case, upon affidavit made of the offence, and that the offender is about to leave the Province, a Justice of the Peace, if the penalty does not exceed twenty pounds, or a Judge of the Supreme Court or of the Inferior Court of Common Pleas, in case the penalty exceeds twenty pounds, shall issue a Warrant under his hand and seal for the arrest of the offender; and in case of arrest, shall cause him to enter into

recognizance, with sufficient sureties, to appear and take his trial before the Court or tribunal before which the trial is to be had; and in default of such recognizance, the person so charged shall be committed to Gaol to await his trial.

ART. 7.

All penalties recovered under this Section are to be paid into the contingent funds of the County, for the use thereof, and shall be sued for and recovered in the name of the County Treasurer for the time being.

SECT. VI. – PREVENTION AND EXTINGUISHING OF FIRES.

SUMMARY OF CONTENTS.

Article 1, Appointment of Firemen; Art. 2, Rules and Regulations for Firemen; Art. 3, Exemptions of Firemen; Art. 4, Power of Firewards to prevent lighting fires; Art. 5, Power of Firewards at Fires; Art. 6, Assessment for Engines, &c.; Art. 7, How levied and applied; Art. 8, Annual Account of Firewards; Art. 9, Punishment for neglect; Art. 10, Defining extent of Town; Art. 11, General Rules and Regulations by Sessions; Art. 12, To be laid before Governor and Council.

ART. 1.

The Firewards of any Town shall, at any meeting for that purpose holden, nominate and appoint, by Warrant under their hands and seals, a sufficient number of able and discreet men, inhabitants of such Town, not exceeding thirty in number for each engine, who shall have the care and management thereof; and such Firemen may be displaced from time to time by the Firewards, who shall fill the vacancies thus occasioned, as well as any other vacancies which may otherwise happen, and the names of all persons so appointed shall be registered with the Clerk of the Peace, upon the certificate of the Firewards.

ART. 2.

The Firewards shall make and establish such rules and regulations in respect to the conduct and duty of the Firemen, and impose such fines for breach thereof, or for neglect of duty, as to the majority of the said Firewards may seem meet, so that no such fine shall exceed forty shillings, to be recovered and applied as the said Firewards shall direct.

ART. 3.

All such Firemen, so appointed, during their continuance in office shall be freed and exempted from the offices of Constable and Surveyor of Highways, and from all Statute Labour on the Streets and Highways in the said Town, and from serving as Jurors at the General Sessions and Inferior Court of Common Pleas.

ART. 4.

The Firewards, or any two of them, may at any time enter into any house or other building within the Town, and examine any stoves, pipes, ovens, hearths, or chimneys therein, and if in their

opinion danger may be apprehended, they may, by writing, prohibit the lighting of fire therein until such alterations as they may specify in writing are first made.

ART. 5.

The Firewards shall have power severally to command assistance for the extinguishing of fires, by forming lines of the persons present, and for the conveyance of water, and for the removal and safe keeping of furniture and goods exposed to danger; and any person disobeying any such commands may be committed by such Fireward to the Gaol, or a Lock-up House, for a period not exceeding forty eight hours, and shall forfeit and pay the sum of forty shillings.

ART. 6.

The General Sessions are authorized and required to raise by assessment such sum or sums not exceeding one hundred pounds in any year, on the said Town, as the Firewards may, by estimate in writing, recommend and shew to be necessary for the erecting and repairing of engine houses, and for purchasing or repairing or keeping in order any fire engines, ladders, hooks, and other necessaries; and such assessment shall be made in due proportion upon every person within the said Town who shall inhabit, hold or occupy any house, shop, warehouse, or other tenement.

ART. 7.

Such sum shall be assessed, levied and collected in the same manner as hereinbefore provided for other County and Parish Rates, and when collected shall be paid to the said Firewards, or such person as may be authorized by them to receive the same, and shall be by the said Firewards applied to the purpose intended.

ART. 8.

The Firewards shall annually, at the time of appointing Town and Parish Officers, render to the General Sessions a full and particular account of the expenditure of all moneys assessed and received as aforesaid, and also of all fines received by them.

ART. 9.

If any Fireward shall wilfully neglect or refuse to render such account, the General Sessions may cause such Fireward to be brought before them by Warrant, and if deemed necessary may commit him to Gaol until he shall make out and render such account either to the General Sessions or to the Treasurer of the County.

ART. 10.

The General Sessions may define the extent of the Town for the purposes of this Section.

ART. 11.

The General Sessions, nr any Special Sessions for that purpose called, may make such rules and regulations in addition to the special provisions herein contained, for the prevention and extinguishing of fires, and for regulating the powers and duties of Firewards at such fires, and may thereby impose such fines and penalties, not exceeding in any case forty shillings, as to the said Sessions may seem advisable.

ART. 12.

A copy of such rules and regulations shall be forthwith sent to the Secretary of the Province, for the consideration of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Executive Council, who may confirm or cancel all or any part of the same as they may deem most advisable, and such confirmation and cancelling shall as soon as practicable be reported to the Clerk of the Peace for the County, and no such rules and regulations shall be in force until so confirmed as aforesaid.

SECT. VII. – HARBOURS

SUMMARY OF CONTENTS.

Article 1, Sessions may make regulations and impose fines; Art. 2, Recovery of fines; Art. 3, Harbour Master's fees; Arts. 4 and 5; Duty of Harbour Master and Pilots as to regulations.

ART. 1.

The General Sessions may make regulations respecting the mooring and anchoring of Vessels in the Harbours of the County, and respecting ballast berths, and the discharging of ballast from Vessels; and may impose such fines and penalties as they may deem advisable for enforcing the same, not exceeding twenty pounds.

ART. 2.

All such fines and penalties, when recovered, after deducting expenses not otherwise provided for, shall be paid to the Commissioners of Buoys and Beacons for the County, who shall account therefor according to the provisions of the Laws relating to Buoys and Beacons.

ART. 3.

The Harbour Master may demand and receive from the Master, Commander or Consignee of every ship or vessel entering the Harbour, (Coasters excepted,) five shillings for every vessel above fifty tons and not exceeding one hundred tons, and ten shillings for every vessel above one hundred tons, as Harbour Master's fees.

ART. 4.

The Harbour Master shall enforce the Harbour regulations, and shall prosecute in his own name all breaches thereof.

ART. 5.

The Harbour Master shall furnish every Pilot of the Port with copies of the Harbour regulations, who shall give a copy thereof to the Master or Commander of every vessel he may take in charge.

SECT. VIII.— FENCES, TRESPASSES AND POUNDS.

SUMMARY OF CONTENTS.

Article 1, Division Fences on improved Lands; Art. 2, Dispute respecting, how settled; Arts. 3 and 4, Duty of Fence Viewer; Arts. 5 and 6, Remedy of Fence Viewer; Art. 7, Penalty for neglect of duty; Art. 8, Division Fences, unimproved Lands; Art. 9, Duty of Sessions as to Parish Pounds; Art. 10, Cattle at large contrary to regulations, to be impounded; Art. 11, When no Pound or defective Pound; Art. 12, Penalty for rescous; Art. 13, Penalty for Pound breach; Art. 14, What lawful Fences; Art. 15, When defect of Fence, no excuse for Trespass; Art. 16, Remedy where damage does not exceed five pounds; Art. 17, Justice of Peace may grant Replevin; Art 18, Replevin Bond; Art. 19, Remedy on Bond; Art. 20, Sale of Cattle impounded; Art. 21, Proceeds of sale; Art. 22, Power to General Sessions to make further regulations.

ART. 1.

All line fences dividing improved lands shall be erected and kept up at the joint and equal expense of the occupiers of such lands, and shall be well and sufficiently erected, and not less than four feet six inches in height.

ART. 2.

In case any dispute shall arise between the occupiers of such improved lands as to the erection or repair of such division fences, or any portion thereof, such dispute may be settled by the nearest Fence Viewer, upon application made to him for that purpose.

ART. 3.

The Fence Viewer upon such application made shall give notice to the parties in difference to attend, and shall thereupon proceed to view the place where any dividing fence is proposed to be erected or repaired, and shall determine the part thereof that each of the parties in difference should erect or repair.

ART. 4.

If either party, after six days notice of the decision of the Fence Viewer, shall neglect or refuse to make or repair his portion of such dividing fence, the Fence Viewer may employ any person to make or repair such fence, who shall be paid for his labour at the rate of five shillings per day, besides the expense of procuring materials for the same.

ART. 5.

The person so employed by the Fence Viewer shall and may recover from the person refusing to erect or repair his part of the dividing fence, all the expenses of making or repairing the same, and furnishing materials therefor, as provided in the preceding Article, together with costs of suit, before any Court competent to try the same.

ART. 6.

Every Fence Viewer shall receive five shillings per day for fence viewing, to be paid on demand by the party neglecting or refusing to erect or repair any fence when ordered so to do by the Fence Viewer.

ART. 7.

If any Fence Viewer shall neglect his duty, he shall for every such offence forfeit and pay the sum of forty shillings.

ART. 8.

No owner or occupier of any wood, barren or unimproved land, although adjoining to the improved or cultivated land of another, shall be obliged to erect or make any part of the fence dividing such lands.

ART. 9.

The General Sessions may divide each Town or Parish into as many Pound Districts as may be thought necessary, and may order and direct that a sufficient Pound be built in each district; and if the inhabitants of any such district shall neglect or refuse to built such Pound, the General Sessions may order an assessment upon the inhabitants of such district for the building of such Pound, to be assessed and collected as provided for other rates and assessments.

ART. 10.

If any cattle shall be found going at large contrary to any regulations made by virtue of this Act, the Hog Reeve or other authorized officer may take up and impound such cattle in the Parish or District Pound, and shall demand and receive such sum as may be specified in such regulations for every beast so impounded, to be paid by the owner of such beast, together with the charges of the Pound Keeper, before the same shall be delivered from the Pound.

ART. 11.

When no Public Pound has been built, or having been built, shall not be in a proper state of repair, the Pound Keeper may use any barn or barn yard, or other proper enclosure as a Pound, for the time being, and which shall be deemed a lawful Pound for all the purposes of this Section.

ART. 12.

If any person shall rescue any beast from any Hog Reeve or other person lawfully driving or leading such beast to Pound, he shall forfeit and pay the sum of five pounds.

ART. 13.

If any person shall make a breach in any Pound, or if any Pound Keeper or any person shall unduly set at large any beast impounded, such Pound Keeper or other person so offending shall forfeit and pay the sum of ten pounds.

ART. 14.

All good strong and sufficient fences, four feet six inches high, shall be lawful fences under this Section.

ART. 15.

In any case where it appears that a trespass has been committed by breaking through that part of a division fence which the owner of the trespassing cattle ought to keep in repair, the defect of such fence shall not be deemed any excuse for such trespass.

ART. 16.

In all cases when a trespass is committed by cattle, and the amount of damage shall not exceed five pounds, the same shall be heard and tried by one Justice of the Peace, agreeably to the provisions of the law for the more speedy recovery of small debts.

ART. 17.

In all cases where it may become necessary, any Justice of the Peace may grant a Replevin, (N) and on return thereof, shall hear the merits of the case between the parties, and shall give judgment and grant execution as in other cases to the same amount, and shall receive such fees as hereinafter provided.

ART. 18.

Every Constable, before executing such Writ of Replevin, shall take from the person to whom such Writ is granted, a Bond (O) in a sum not exceeding five pounds, with two sufficient sureties, to prosecute such Replevin with effect within seven days.

ART. 19.

In case the party obtaining such Writ of Replevin should fail to prosecute his suit within the time specified, the said Constable is hereby authorized and required to assign the said Bond to the defendant, who is hereby authorized to sue for and recover the same in his own name, in any Court competent to try the same.

ART. 20.

Any cattle impounded by virtue of this Act, and not liberated by the owner thereof after three days notice in writing, advertized in three of the most public places in the Parish or District, may be sold at public auction by the Pound Keeper, after fourteen days public notice thereof, unless the owner shall appear and pay all charges and expenses incurred on account thereof.

ART. 21.

Upon such sale being made, the Pound Keeper shall, out of the proceeds, first pay all charges and expenses, and render the overplus, if any, to the owner if he appear, and if he do not appear within fourteen days after such sale to demand the same, then the said overplus shall be paid to the Overseers of the Poor for the Parish wherein such sale may be made, for the support of the Poor of such Parish.

ART. 22.

The General Sessions may make such other regulations not inconsistent with this Act, for preventing trespasses by cattle, and for preventing cattle going at large, as they may deem necessary, and may thereby impose such fines and penalties as they may consider necessary and advisable.

SECT IX. – PROTECTION OF SHEEP FROM DOGS.

SUMMARY OF CONTENTS.

Article 1, Dog killing or maiming Sheep or Lamb, to be killed; Art. 2, Owner of Dog to pay damage; Arts. 3 and 4, Dog at large, owner to pay fine or be imprisoned; Art. 5, Authority to kill Dog; Art. 6, Plea and evidence in action for killing Dog.

ART. 1.

If any Dog shall kill or maim a Sheep or Lamb, the owner of the Dog, upon conviction thereof before any Justice of the Peace, shall cause the Dog to be immediately killed.

ART. 2.

The owner of any Sheep or Lamb so killed or maimed, may recover the damage thereby sustained, in an action against the owner of the Dog, before any Justice of the Peace, together with costs of suit, according to the laws regulating proceedings before Justices of the Peace in civil suits.

ART. 3.

If the owner, after conviction, shall neglect to kill such Dog, he shall be liable to pay a fine of twenty shillings for every time such Dog shall be found running at large; such fine to be recovered, with costs, before a Justice of the Peace, as provided in Article 2, and when recovered to be paid to the Overseers of the Poor of the Parish where the offence is committed.

ART. 4.

If the owner of the Dog have no goods whereon to levy, he shall be liable to be imprisoned not exceeding four days for any such fine.

ART. 5.

After any such conviction the Justice may issue his Warrant to a Constable, requiring him forthwith to cause such Dog to be killed; and any person is authorized to kill any Dog running at large after he is known to have killed any Sheep or Lamb.

ART. 6.

In any action of trespass against any person for so killing a Dog, the defendant may plead the general issue, and give this Act and the special matter in evidence.

SECT. X. – POWER TO MAKE RULES AND REGULATIONS IN CERTAIN CASES.

SUMMARY OF CONTENTS.

Article 1, Enumeration of subjects; Art. 2, Proviso; Art. 3, Penalties and recovery; Art. 4, Commissioners of Sewers authorized to assess.

ART. 1.

The General Sessions, in addition to the powers otherwise specially conferred upon them by this Act, shall have full power and authority from time to time to make, revise, alter, amend, and to enforce all such Rules as may be deemed by them necessary and proper for the following purposes, namely: –

1. For the establishment and regulation of Markets, Market Houses, and Fairs, and for the slaughtering of Animals and sale of Dead Meats:
2. For the licencing and regulation of Ferries, and fixing the rates and fares therefor, and for carrying Passengers to and from Steam Boats on their passage along the Rivers:
3. For the protection of Streets, Squares, Sidewalks and Pavements, and of the Posts, Railings, Trees, or other defences and ornaments thereof:
4. For the use and management of Public Docks, Wharves, Landings, and Cranes, and fixing the rates of Dockage, Wharfage and Cranage:
5. For the regulation of Carriages for hire, Cartage and Truckage, and the lading and unlading of Vessels:
6. For the measurement of Coals and Salt, and fixing the rates therefor:
7. For the weighing of Hay and Straw, and fixing the rates therefor ;
8. For the erection of and keeping in repair Fences and Gates across Highways, for the protection of intervale lands; provided that no Gate or Fence be erected across any Highway not heretofore authorized by law:
9. For the occupation and grazing of Marshes and other Low Lands and Islands, and the erection of Water and other Fences thereon, and for determining what Lakes, Swamps, Creeks, Rivers, and Fences, shall be deemed lawful enclosures of the same:
10. For the regulation of Pounds, and fixing the fees and rates therefor:
11. For the regulation of the Fisheries, and of Seines, Nets and Fish Wears, within the Rivers and Harbours:
12. For the regulation and management of School Reserves, Town Commons, and other Lands for public uses:
13. For imposing and collecting a Tax on Dogs:
14. For the government of Pilots, and fixing the rates of Pilotage:
15. For the regulation and management of Booms for holding Timber, Logs and other Lumber, and for the driving of Timber and Logs:
16. For the preservation of the Navigation of Rivers and Harbours:
17. For defining the Gaol Limits, not exceeding three miles nor less than half a mile from the Gaol;
18. For the regulation and management of Gaol and Work Houses:
19. For the marking of Neat Cattle and Sheep:

20. For preventing disorderly riding and driving on the Public Roads and Bridges:
21. For preventing the growth of Thistles, and other noxious Weeds.
22. For the destruction of Mad Dogs.

ART. 2.

Provided always, that no such rules and regulations shall be of any force or effect which are repugnant to the provisions of any Act of the Legislature relating to the subject matter thereof.

ART. 3.

And the said General Sessions may, in and by such rules and regulations, impose such fines and penalties, and ordain and establish such forfeitures as they may deem necessary for the non-observance or breach thereof, but no such fine or penalty shall in any case exceed the sum of ten pounds.

ART. 4.

The Commissioners of Sewers appointed or elected under any Act passed or to be passed, of any Marshes, Low Lands and Islands, are hereby authorized and empowered to carry into effect such rules and regulations as may be made in relation to such Marshes, Low Lands and Islands, and to assess the proprietors thereof for the necessary expenses that may be thereby incurred.

SECT. XI. – DAMS, AND SLUICEWAYS, AND FISHWAYS.

SUMMARY OF CONTENTS.

Article 1, Person requiring Sluiceway, bow to proceed; Art. 2, Notice to owner of Dam to make; Art. 3, Owner refusing, Dam to be a public nuisance, &c.; Art. 4, Expenses of Surveyor of Dams; Art. 5, Fishways in Dams where Fish resort to spawn; Art. 6, If no Fishway, notice by Overseers; Art. 7, Neglect to make Fishway, Dam a nuisance, and penalty; Art. 8, Remedy for penalty; Art. 9, Proviso as to local enactments.

ART. 1.

If any person shall require a Sluiceway for the purpose of driving Timber, Logs or other Lumber down or over any Dam now or hereafter erected across any River or Stream, he shall call upon the Surveyor of Dams for the Parish or District in which the Dam is situate, who shall proceed to examine the same, and report in writing to the General Sessions his opinion as to the necessity for such Sluiceway.

ART. 2.

If the making of a Sluiceway be recommended by the Surveyor of Dams, and approved of by the General Sessions, a notice in writing shall be forthwith served upon the owner or occupier of the Dam, requiring such Sluiceway to be made within such time as to the said General Sessions may seem proper.

ART. 3.

In case the owner or occupier of such Dam shall refuse or neglect to make such Sluiceway within the time so limited for that purpose, the said Dam shall be thenceforth deemed a public nuisance; and upon conviction of the owner or occupier, upon an indictment therefor, before the General Sessions, he shall be liable to be fined at the discretion of the Court in a sum not exceeding twenty pounds; and the said Court are hereby empowered to order the said nuisance to be abated.

ART. 4.

The necessary, expenses of the Surveyor of Dams, with a reasonable allowance for his time when so employed, shall be paid to him by the party making application for such Sluiceway.

ART. 5.

In all Mill Dams or other Dams which have been or shall be hereafter erected or placed across any River, situate wholly or in part in this Province,, and which has been or maybe resorted to by Fish from the Sea, at the season for spawning, there shall be a Fishway sufficient for such Fish to pass up and return without any such hinderance, as may in future tend to divert them from such resort.

ART. 6.

If any Mill Dam erected as aforesaid shall at any time be without such Fishway as required by the preceding Article, the Overseers of the Fisheries shall give notice in writing to the owner or occupier of such Dam to make a good and sufficient Fishway therein, within forty days after service of such notice.

ART. 7.

In case the owner or occupier of such Dam shall refuse or neglect to make such Fishway to the satisfaction of the said Overseers of the Fisheries, within the time so limited for that purpose, the said Dam shall be thenceforth deemed a public nuisance, and upon the conviction of such owner or occupier on an indictment therefor before the General Sessions, he shall be liable to be fined at the discretion of the Court, in a sum not less than twenty pounds, and not exceeding forty pounds, and the said Court shall order the said nuisance forthwith to be abated.

ART. 8.

If the owner or occupier of the Dam refuse to pay such fine, the said Sessions may issue a Warrant for levying such fine by distress and sale of the offender's goods and chattels, and if no sufficient distress can be found, the offender may be committed to the common gaol for the space of four months, or until the said fine be paid.

ART. 9.

Nothing herein contained shall affect any Act of Assembly now in force, concerning any River or Stream therein named, or the rules and regulations made under the authority of such enactment, or the common law rights of any individual.

SECT. XII. – LANDS FOR PUBLIC USES, AND SCHOOL RESERVES.

SUMMARY OF CONTENTS.

Article 1, Former Grants to Justices of the Peace valid; Art. 2, Justices of the Peace may receive and hold Land in Trust; Art. 3, School Reserves vested in Justices of the Peace; Art. 4, Authority to Lease; Art. 5, Authority to Sue.

ART. 1.

All grants of Land heretofore made to Justices of the Peace of any County for public uses, shall be and remain good, valid and effectual.

ART. 2.

The Justices of the Peace of any County, by the style and title of “The Justices of the Peace for the County of ____, for the time being,” may accept, receive, and hold in trust for any public use therein specified, any grant or grants of Land, and may execute the trusts thereof; and all such grants shall be good and valid in law and equity.

ART. 3.

All Lands in any County reserved for the use and benefit of Schools, and not already granted by the Crown, are hereby vested in the Justices of the Peace of the County in which the same may be situate, to be by them held in the same manner as if the same were granted to them by the Crown; provided always, that the rents, issues and profits arising from such Reserves shall be faithfully applied by such Justices for the support of the Parish Schools within the Parish where such lands lie.

ART. 4.

The said Justices of the Peace in General Sessions are hereby authorized and empowered, by the style and title aforesaid, to lease by public auction for a term not exceeding twenty one years, any such land so held by them in trust as aforesaid, and on such other terms as to them shall seem most beneficial to the said trust.

ART. 5.

The said Justices, by the style and title aforesaid, shall be able and capable in law to sue for, recover and receive the rents, issues and profits, if any, of the said lands leased by them for any term of years, or occupied under any agreement in respect thereof, and also by the style and title aforesaid, to bring and maintain any action of trespass or ejectment of or concerning any of the said lands, or any other action for or on account thereof.

SECT. XIII. – COUNTY BUILDINGS AND COUNTY OFFICES.

SUMMARY OF CONTENTS.

Article 1, Assessment for Gaol, Court House, &c.; Art. 2, Assessment for Offices of Registrar and Clerk of the Peace; Art. 3, Authority to make contracts therefor; Art. 4, Occupation of Buildings in Article 2.

ART. 1.

Whenever it may be necessary to build, secure or repair any Gaol, Court House, or other Public County Building, any General Sessions, upon the presentment of the Grand Jury at such Sessions, recommending the same, shall, if they think proper and convenient, make such rates and assessments for the same from time to time, and for such sum of money as they may think necessary for all or any of the purposes aforesaid, to be assessed, levied and collected in like manner as provided for other rates in this Act.

ART. 2.

The General Sessions, whenever they may consider it expedient, may make a rate and assessment of any sum not exceeding three hundred pounds, for the erecting suitable buildings, with safes of stone or brick, near the County Court House, for the use and safe keeping of the Records of Deeds and Wills, and also the Papers and Records of the Inferior Court of Common Pleas and General Sessions, such sum to be assessed, levied, collected and paid according to the provisions of this Act.

ART. 3.

The General Sessions shall have power, by the style and title of "The Justices of the Peace for the County of ___," to contract and agree with any person for the erection and repairing of such Gaol, Court House, or other Public Building as aforesaid, and to apply the proceeds of any assessments made therefor in performance of such agreement or contract.

ART. 4.

All buildings erected according to Article 2 of this Section shall be occupied and used for the several offices of Registrar of Deeds and Wills, and Clerk of the Inferior Court of Common Pleas and General Sessions of the Peace, for the County.

SECT. XIV. – COUNTY CONTINGENCIES AND ASSESSMENTS THEREFOR, AND COUNTY ACCOUNTS.

SUMMARY OF CONTENTS.

Article 1, When Sessions may order Assessment for Contingencies; Art. 2, Clerk of the Peace to make out Warrants, &c., and penalty for neglect; Art. 3, When claims against Parish or County to be filed; Art. 4, Accounts to be laid before Grand Jury; Art. 5, Parish Officers to exhibit Accounts at time of election; Art. 6, Accounts filed with Clerk of the Peace for inspection.

ART. 1.

Whenever it may become necessary to raise any sum of money by assessments in any County, for the payment of the contingent expenses thereof, the General Sessions shall lay before the Grand Jury a detailed statement, shewing how the sum so required is made up, and upon the

approbation of the Grand Jury being first obtained, such Sessions may order and direct an assessment for that purpose, and not otherwise.

ART. 2.

Whenever any General Sessions shall order any sum to be levied and assessed for the purpose of defraying any County contingencies, or other County or Parish charge or expense, the Clerk of the Peace shall make out the Warrants (A a) under the Seal of the Sessions for such assessment, and forthwith transmit the same to the Assessors for the several Parishes in the said County, under the penalty of ten pounds for each and every neglect.

ART. 3.

No. claim or account against any Parish or County shall be allowed by the Sessions, unless the same be filed with the Clerk of the Peace within one hour after the opening of such Sessions.

ART. 4.

At the time of appointing of Town and Parish, Officers, a full and detailed statement of the County and Parish Accounts shall be laid before the Grand Jury for their consideration, immediately after the opening of the Court, and shall be returned into Court on or before the Friday following, with such presentment as the Grand Jury may see fit to make thereon; and no unpaid claim or account shall be paid, or ordered to be paid, which has not been so first laid before the Grand Jury.

ART. 5.

The Overseers of the Poor, the Collectors of Rates, and the Commissioners of Highways, shall lay before the Rate payers, at the time of the election of Town and Parish Officers, a copy of their Accounts respectively, for examination, before such election takes place.

ART. 6.

The County Accounts shall be filed in the Office of the Clerk of the Peace, and shall at all times be open to the inspection of any Rate payer of the County who may wish to examine the same, without any fee therefor.

SECT. XV – ACTIONS AGSINT OFFICERS, AND RECOVERY OF PENALTIES.

SUMMARY OF CONTENTS.

Article 1, No action after three months; Art. 2, Plea, General issue, and when Verdict to be for the Defendant; Art. 3, Treble costs; Art. 4, Certified copy Regulations, evidence; Art. 5, Persons acting as Officers deemed to be sworn; Art. 6, Recovery of Penalties; Art. 7, Competency of Witnesses.

ART. 1.

No action shall be brought against any person for any thing done in pursuance of any provisions of this Act, unless within three months after the fact committed, and upon one month's previous

notice thereof in writing; and such action, when brought, shall be tried in the County where the cause of action arose.

ART. 2.

In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence; and if on the trial it appear that the defendant acted under the authority of this Act, or of any regulations made in pursuance of the powers conferred by this Act, or that the cause of action arose in some other County, in any such case the Jury shall give a verdict for the defendant.

ART. 3.

If in such suit the plaintiff shall discontinue the action after the defendant has appeared, or if, upon demurrer, judgment shall be given against the plaintiff, or if the plaintiff become non-suit, the defendant shall be entitled to and shall recover treble costs from the plaintiff in such suit.

ART. 4.

A copy of any regulations made under the provisions of any Article of this Act, purporting to be under the Seal of the General Sessions, and certified and signed by the Clerk of the Peace as a true copy, and as having been duly confirmed, shall be admissible as evidence in all Courts of Law in this Province.

ART. 5.

All persons acting as Town and Parish Officers, or County Officers, shall prima facie be deemed to have taken the oath of office without proving the same.

ART. 6.

All fines and penalties imposed under and by virtue of any authority or provisions of this Act, shall and maybe recovered and applied according to the provisions of the Act of Assembly made and passed in the twelfth year of Her present Majesty's Reign, intituled *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, within this Province*, with respect to summary convictions and orders, unless otherwise specially provided for.

ART. 7.

In any prosecution for the recovery of any fine,, penalty or forfeiture, under and by virtue of this Act, or of any regulation made under the authority hereof, no person shall be deemed an incompetent witness by reason of his being an inhabitant or rate payer of the Parish, Town or County wherein such prosecution may be had.

SECT. XVI. – RULES OF CONSTRUCTION.

SUMMARY OF CONTENTS.

Article 1, Words in the singular and plural number; Art. 2, General Sessions or Special Sessions; Art. 3, County, Town and Parish, and City Officers; Art. 4, Justice of the Peace, or two Justices of the

Peace; Art. 5, Real Estate and' Personal Estate; Art. 6, Cattle; Art. 7, All the Articles of a Section together, if necessary.

ART. 1.

Throughout this Act, wheresoever words are used importing the singular number or the masculine gender only, yet they may be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males; and wheresoever words are used denoting the plural number, yet they may be understood to apply to one matter as well as more than one, and to one person as well as more than one, as though the words had been used in the singular number, unless it be otherwise specially provided, or there: be something in the subject or context repugnant to such construction.

ART. 2.

Wherever throughout this Act any thing is authorized or required to be done by any General Sessions, or by any Special Sessions, it shall be deemed and construed to apply to any General Sessions of the Peace; or to any Special Sessions, as the case may be, in all or any of the several and respective Counties of the Province, unless there may be something in the subject or context repugnant to such construction; and wherever any thing is authorized or required to be done by any Sessions, it shall be deemed and construed to apply to any General or Special Sessions in all or any of the said several Counties of the Province.

ART. 3.

Wherever any provision is made throughout this Act relating to a County, it shall be deemed and taken to apply to all or any of the several and respective Counties of the Province, and wherever any provision is made relating to a Town or Parish, it shall be deemed to apply to all or any of the several Towns and Parishes in the Province, and wherever any provision is made respecting any Town or Parish Officers, or respecting any County Officers, it shall be deemed and construed to apply to all or any of such Town or Parish Officers, or to all or any of such County Officers, as the case may be, in the several and respective Towns and Parishes, and Counties of the Province, as the circumstances of the case may require, and so as to give full effect to any such provision, unless in any of the said cases it be otherwise specially provided, or there be something in the subject or context repugnant to any such construction.

ART. 4.

Wherever it is provided that any proceedings may be taken before any Justice of the Peace, or before any two Justices of the Peace, such provision shall be deemed and construed to be confined to the Justices of the Peace of the County where the cause of such proceedings may arise.

ART. 5.

The term "real estate" in Section II. shall be deemed to signify land, and any buildings or other erections upon land, or any term or terms of years in land; and the term "personal estate" in the said Section, shall be deemed to signify all goods, chattels, moneys and effects, and all good debts, whether due upon account or upon any contract, promissory note, or bond and mortgage, if the

mortgagee be in possession, and all public stocks and securities, not being stock in any incorporated Company within this Province, except in Article 17 of Section II. of this Act, where the term "personal estate" shall be deemed to signify the amount of paid up capital stock of any Corporation at the current market value of such stock at the time of assessment.

ART. 6.

The term "cattle" in Section VIII. of this Act shall be deemed and taken to signify Horses, Swine, Goats, Sheep, Neat Cattle and Geese.

ART. 7.

All the Articles of any Section of this Act shall if necessary be so construed together as best to render them operative and effectual for the purposes intended.

SECT. XVII. – FORMS AND TABLE OF FEES.

(Aa)

Form of Warrant of Assessment.

[LS] General Sessions,
Term, 18



A., B., C., and D., Esquires, Justices assigned to keep
the Peace within the County of _____.

To _____ Assessors for the Parish of _____ Greeting:

Whereas it is deemed necessary by us the said Justices, in General Sessions now assembled, that the sum of _____ pounds be assessed upon the said Parish of _____ for [here insert the nature and object of the assessment.]

These are therefore to charge and command you to levy and assess the said sum of _____ pounds in and upon the said Parish of _____ and to cause the same to be collected and paid according to the form of the Act of the General Assembly in such case made and provided.— Given under the Seal of the said Court of General Sessions, at _____ in the said County, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____.

By the Court.

E.F., Clerk

(A)

Form of Assessment.

Assessment of the Town or Parish _____ (or District of the same, as the case may be,) in the County of _____ in pursuance of a Warrant of the General Sessions of the Peace for the said County of _____ to levy the sum of _____ for _____. Dated the _____ day of _____ one thousand eight hundred and _____.

Names of Persons	Poll Tax		Real Estate (within the Parish) of Inhabitants.			Real Estate of non-residents			Annual Incomes			20 per cent. of value of Property			Amount to be Taxed			Total Assessment		
	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
A. B.	1	4	200	0	0	100	0	0	0	0	0	60	0	0	60	0	0	1	5	4
C. D.	1	4	300	0	0	100	0	0	50	0	0	80	0	0	130	0	0	2	13	4
E. F.	0	0	0	0	0	0	0	0	0	0	0	40	0	0	40	0	0	0	16	0
G. H.	1	4	0	0	0	0	0	0	20	0	0	0	0	0	20	0	0	0	9	4
J. K.	1	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	4

(B)
Precept.

To A. B., one of the Collectors of Rates in the Town or Parish of _____ or to any _____ other Collector of Rates in the said Town or Parish.

You are hereby required forthwith to collect from the several persons named in the annexed assessment, the sums set against their names respectively, under the last column thereof, headed "Total Assessment," amounting in the whole to the sum of _____ and to pay the same, when collected, into the hands of County Treasurer, [or Overseer of the Poor, or otherwise, as the case may be.]— Given under our hands the ___ day of _____ in the year of our Lord one thousand eight hundred and _____.

E.F.,
G.H.,
I.K., } Assesors.

(C)
Execution.

County, ss. To any Constable of the Parish of _____

You are hereby required to levy of the goods and chattels of A. B., within your Parish, the sum of _____ which has been assessed upon him [or her,] and also _____ for costs, amounting in the whole to _____ besides costs of levying this Execution, and have the money before me, at my dwelling house, on the day of _____ to be rendered to C.D., Collector of Taxes for the Parish of _____ [or District of]; and for want of goods and chattels whereon to levy, you will take the body of the said A. B. and deliver _____ to the Keeper of the Gaol of the said County; and the said Keeper will take the said A. B., and him safely keep for _____ days, unless the said _____ and costs be sooner paid; and how you shall have executed this Precept make return to me at the day and place aforesaid.—Given under my hand and seal this ___ day of _____ one thousand eight hundred and _____.

E. F., Justice of the Peace for the County of _____.

(D)

Warrant to Apprehend.

To any Constable of the Parish of _____ in the County of _____.

A. B. having this day upon oath made before me, declared that she has been delivered [or is like to be delivered] of a bastard child which will be chargeable to the said Parish of _____ and having charged C. D. therewith, upon application to me made by E. F., an Overseer of the Poor for the said Parish, I do hereby require you forthwith to apprehend the said C. D. and bring him without delay before me or some other Justice of the Peace of the said County, to be dealt with according to Law.—Given under my hand and seal this ___ day of _____ one thousand eight hundred and ___.

G. H., Justice of the Peace.

(E)

Bond to indemnify.

_____ ss.—Be it remembered, that on the ___ day of _____ in the year of our Lord one thousand eight hundred and _____ A. B. of in the County of _____ and C. D. of _____ in the said County; personally appeared before me _____ Esquire, one of Her Majesty's Justices of the Peace in and for the said County, and acknowledged themselves to be jointly and severally indebted to our Sovereign Lady the Queen, in the sum of _____ pounds of lawful money of New Brunswick, upon condition that if the said A. B. [or in case such reputed father he under the age of twenty one years, that if E. F.] shall well and truly, and at all times indemnify and save from all charges and expenses whatsoever, the Parish of _____ for or on account of the support of a bastard child charged against the said _____ by _____ then this Recognizance to be void, otherwise to be and remain in full force and effect.—Taken and acknowledged before me.

G. H., Justice of the Peace.

(F)

Recognizance to appear.

_____ ss.—Be it remembered, that on the ___ day of _____ in the year of our Lord one thousand eight hundred and ___ A. B., of _____ in the said County, and C. D., of _____ in the said County, personally came and appeared before me _____ Esquire, one of Her Majesty's Justices of the Peace in and for the said County, and acknowledged themselves to be jointly and severally indebted to our Sovereign Lady the Queen, in the sum of _____ pounds of lawful money of New Brunswick, upon condition that if the said A. B. [or in case the person charged be under age, that E. F.] shall personally appear at the next General Sessions of the Peace to be holden in and for the said County, then and there to

answer a charge made against him as being the reputed father of a bastard child, likely to be chargeable to some Parish in the said County, and not to depart the said Court without leave, then this Recognizance to be void, otherwise to be in full force. Taken and acknowledged before me. G. H., Justice of the Peace.

(G)

Warrant to discharge.

_____ ss.—It having been made to appear to my satisfaction that A. B. is no longer chargeable, according to law, as the reputed father of a bastard child, of which complaint was heretofore made by E. F., I do therefore hereby authorize and require that the said A. B. be henceforth acquitted and discharged from all liabilities as such reputed father.—Given under my hand and seal this _____ day of _____ one thousand eight hundred and _____.

G. H., Justice of the Peace.

(H)

Order of Affiliation.

General Sessions,

___ day of _____ one thousand eight hundred and _____.

The Queen, at the Instance
the Overseers of the Poor
for the Parish of _____ vs.
A.B.

In the matter of a charge of Bastardy, preferred by the Overseers of the Poor for the Parish of _____ against A. B., for having gotten of the Parish of _____ in said County, with child, which child was born a bastard, and has been and is chargeable upon the said Parish of _____.

The said A. B. being called upon his Recognizance, appears and denies that he is the reputed father of the child in question, whereupon the Justices proceed to the examination of the cause and circumstances, and the following witnesses are called and sworn, namely:—

and on hearing the full examination of the witnesses and parties, the Justices do order and adjudicate as follows:—That the said C. D. was delivered of the said bastard child, being the child in question, on the _____ day of _____ one thousand eight hundred and _____ and that the said child is chargeable on the Parish of _____ and: was so since its birth; and, further, that the said A. B. is the reputed father of the said child, and chargeable with the support of the same; and it is further ordered and adjudged by the said Justices, that the said A. B. do pay to the Clerk of the Peace for said County, for the use of the Overseers of the Poor of the said Parish of _____ the sum of _____ for lying-in expenses of the said C.D., on the birth of the child in question; and the further sum of _____ per week, from the birth of the said child (which took place on the said _____ day of _____) up to the date of this order: and the further sum of _____ for expenses incurred in the apprehension and conviction of the said A. B.; and also the

further sum of _____ per week, from the date of this order until the said child shall attain the age of seven years, which said latter sum of _____ per week to be paid to the Overseers of the Parish of _____ weekly and every week; and the said Justices do further order and adjudge, that the said A. B. do enter into recognizance required by Law, with two sufficient sureties, in the penal sum of fifty pounds, for the payment of the said last mentioned sum of _____ per week, for the future maintenance of the said child; and that the said A. B. do forthwith pay the other sums in this order mentioned, or be committed to the common gaol of the County, there to remain until discharged by the due course of law.

(J)

Recognizance upon Order of Affiliation.

_____ ss.—Be it remembered, that at the General Sessions of the Peace holden at _____ in and for the County of _____ on the _____ Tuesday in _____ in the year of our Lord one thousand eight hundred and _____ before [senior Justice present] and others, his fellows, personally appeared A. B. of _____ in the said County, and C. D. of _____ in the said County, and acknowledged themselves jointly and severally indebted to our Sovereign Lady the Queen, Her Heirs and Successors, in the sum of fifty pounds of lawful money of New Brunswick, upon condition that if the said A. B. [or in case such father be under age, that if E. F.] shall well and truly at all times obey and perform all or any orders of such Court, made or to be made, touching the support or maintenance of a bastard child, while chargeable on any Parish in the said County, and of which child the said _____ has been by such Court adjudged the reputed father, then this Recognizance to be void, otherwise in full force.—Taken and acknowledged in open Court.

L. M., Clerk Peace.

(K)

Form of *Scire Facias*.

_____ ss.—Victoria, by the Grace of God, &c.

To the Sheriff of the County of _____ Greeting:

Whereas A. B. and C. D., lately in and before the Court of General Sessions of the Peace, held at in and for the said County, on the _____ Tuesday in _____ in the year _____ acknowledged themselves indebted to our Sovereign Lady Queen Victoria in the sum of _____ of lawful money of New Brunswick, upon condition that A. B. should personally appear at the next General Sessions of the Peace, to be held in and for said County, to answer a certain charge made against him, the said A. B., as being the reputed father of a bastard child, as by said Recognizance will appear [or in case such Recognizance be for the performance of any order of the said Court for maintenance of such child, say, upon condition, here recite condition according to the fact]; and whereas the said Court is given to understand that the said A. B. hath Failed to perform the condition of the said Recognizance, whereby the same hath become forfeited: These are

therefore to command you that you make known to the said _____ that they appear before the next Court of General Sessions of the Peace, to be holden at _____ in and for the said County, on the _____ Tuesday in _____ next, to shew cause, if any they have or know, why Execution should not issue against them, according to the effect of such Recognizance.— Witness [senior Justice] at _____ the [last day of previous Session] in the _____ year of our Reign.

E. F., Clerk.

(L)

Form of Minute, and entry of Judgment.

At a Court of General Sessions of the Peace, held at _____ in and for the County of _____ on the _____ Tuesday of _____ one thousand eight hundred and _____ before _____ and other Justices of the said Court.

It appearing to this Court that A. B. hath not performed the condition of a certain Recognizance lately entered into by him, relating to a charge of Bastardy, and the said A. B. having been duly served with a *Scire Facias* thereon, returnable at this present Term, and not appearing thereto, [or if appearing, not shewing sufficient cause,] it is considered and adjudged by the Court, that such Recognizance is forfeited, and that Execution do issue against the said A. B. according to the form and effect of such Recognizance.

(M)

Form of Execution.

_____ ss.—Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To the Sheriff of _____ Greeting:

Whereas at a Court of General Sessions of the Peace, held at _____ in and for the said County, on the _____ Tuesday in _____ it was adjudged that a certain Recognizance entered into by _____ in the penal sum of _____ with a condition relating to a case of Bastardy, had become forfeited, by reason of the condition thereof not being performed, of which execution remains to be done: We therefore command you, that of the goods and chattels of the said _____ in your Bailiwick, you cause to be made the said sum of _____ and have that money before us at the next Court of General Sessions of the Peace, to be held at _____ on _____ to be paid and applied according to law; and for want of goods and chattels whereon to levy, you will take the body of the said _____ and him safely keep in the common gaol of your County, until he pay the said sum of _____ or be otherwise discharged, and make return hereof.—Witness _____ at _____ this _____ day of _____ in the _____ year of our Reign.

A.L., Clerk.

(N)

Form of Writ of Replevin.

To either of the Constables of the Parish of _____.

You are hereby commanded to replevy to A.B. his _____ which C.D. unjustly, as is alleged, detains under pretence of having committed a trespass not exceeding five pounds, and also to summon the said C.D. to be and appear before me on the ___ day of _____ at _____ of the clock in the _____ noon, then and there to answer such things as shall be objected against him by the said A. B.—Witness my hand and seal the ___ day of _____ one thousand eight hundred and _____.

E. F., J. Peace.

(O)

Form of Replevin Bond.

We, A. B., of _____ C. D., of _____ and E.F., of _____ are jointly and severally held and firmly bound to G.H., of the Parish of _____ Constable, in the sum of _____ to be paid to the said G. H., his executors, administrators or assigns.—Sealed with our seals, dated this ___ day of _____ one thousand eight hundred and _____.

The condition of the above obligation is such, that if the above bounden A. B. shall appear before J. K. a Justice of the Peace for the County of _____ on [here insert the time and place specified in the Writ of Replevin,] and do prosecute his suit with effect against L.M., for taking and unjustly detaining [here specify the property taken,] and do make return, if a return shall be adjudged by the said Justice, then the said Bond to be void, otherwise to be in force and effect.

Assignment of Replevin Bond.

Know all men, that I, G.H., Constable of the Parish of _____, at the request of the within named L. M., the defendand in this cause, assigned over this Replevin Bond to him, pursuant to the Act of Assembly in that case provided.—In witness whereof I have hereunto set my hand this ___ day of _____ in the year of our Lord one thousand eight hundred and _____.

G. H., Constable.

TABLE OF FEES TO BE CHARGED UNDER THIS ACT.

Justices Fees.

Information or Complaint in writing, £ 0	1	0	
Every Summons,... .. 0	1	0	
Warrant to arrest, 0	1	6	
Taking Recognizance, each party 0	0	6	
Entering up Recognizance, 0	1	0	
Warrant of Distress, 0	2	0	
Commitment, 0	1	0	
Administering an Oath, 0	0	6	
Drawing an Affidavit, 0	1	0	
First folio of 100 words of the Minutes in writing on a trial,	0	1	0
Every additional folio, 0	0	6	
Writ of Replevin, 0	1	6	
Subpoena, 0	0	6	
Copy of Writ, Summons, or other necessary paper, half the allowance for the original.			
Trial, on conviction, 0	3	0	

Clerks of the Peace.

Drawing every Indictment, and engrossing not exceeding five folios,	0	2	6
Copies of all Indictments, Depositions, and all other papers delivered upon application of Defendant, and collating, per folio, 0	0	0	6
Motions for trial, minuting the same, calling and swearing Jury, swearing Witness, &c., the like Fees as in Civil Cases in Summary Actions.			
Taking, respiting or discharging every Recognizance, and discharging a Prisoner by Proclamation, 0	1	0	
Preparing, signing and sealing each Subpoena or Bench Warrant, 0	2	0	
Every Subpoena Ticket, 0	0	6	
Every Certificate under Seal,... .. 0	2	0	
Entering Judgment of Court, each person, 0	1	0	
Trial and Judgment, 0	3	6	
Every Warrant of Assessment, and Seal, 0	2	6	
Drawing every Order, Rule, Ordinance or Regulation of the Session, per Folio, 0	0	6	
Calling Special Sessions, and preparing notices to Justices, 0	10	6	
Copying Jurors' Lists, Parish Lists, and Returns from Sessions, and making copies of the same when necessary, per folio,	0	0	6
Assisting on Trial before the Sessions, to be allowed by the presiding Justice, not less than half a guinea and not exceeding one guinea.			
Any other service not provided for, to be allowed in the discretion of the Justices in Session.			

Constable Fees

Serving Summons, and making return thereto, £	0	1	0
Serving Warrant to arrest,	0	1	6
Taking Replevin Bond,	0	2	0
Getting Warrant endorsed,	0	1	0
Serving Warrant of Distress,	0	1	0
And Poundage, 1s. per £1.			
Executing Warrant of Imprisonment,	0	2	0
Serving Subpoena, and Return,	0	1	0

In addition to these Fees, to have three pence per mile, going and coming, to be charged according to the number of miles actually travelled.