

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1863. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1863.

26 Victoria – Chapter 14

An Act to prevent Nuisances upon Public Highways. Passed 20th April, 1863.

Section.

1. What erection prohibited. Penalty.
2. Sale of liquor prohibited. Penalty.
3. Magistrate or Special Constable may order and enforce removal of nuisance.

Section.

4. Special Constables, how appointed.
5. Violations when committed in Saint John, how prosecuted.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That no person shall erect or place any booth, shanty, shed, tent, house, or other incumbrance, upon any road, highway or street within this Province, under the penalty not exceeding twenty dollars, together with costs of prosecution, or of imprisonment for a period of not more than thirty days.
2. That no person shall directly or indirectly barter or sell any liquor upon any road, highway, or street, or within any booth, shanty, tent, shed, house, or other erection, placed wholly or in part upon any road, highway, or street, under a penalty not exceeding twenty dollars, together with costs of prosecution, or imprisonment not more than thirty days.
3. That any Magistrate or special Constable to be appointed under the authority of this Act, may take down and remove any booth, shanty, tent, shed, house, or other erection, placed, after the passing of this Act, upon any road, highway, or street, and may direct and require any persons found therein, to move on and away from such booth, shanty, tent, shed, house, or other erection, and on refusal of such persons so to move on and away, may remove them, and shall have all other the powers incident to the office and duty of a Constable for preserving the public peace and preventing any breach thereof.
4. That any such special Constable may be appointed under the hand of any Magistrate of the County, or of any neighbouring County, and shall be sworn before such Magistrate to carry out and fulfil the provisions of this Act, so far as the same relates to the duties of a special Constable, and generally to preserve the peace in the County or District for which such special Constable may be appointed.
5. That all prosecutions for violating any of the provisions of this Act shall be had, if committed in the County of Saint John, before the Police Magistrate of the City of Saint John or of the Parish of Portland; or if within the Police District of the European and North American Railway, before any Police Magistrate along the line of the European and North American Railway; or if committed in

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any place not within the County of Saint John, and not within the said Police District, then before any one of Her Majesty's Justices of the Peace of the County in which the offence was committed.