

Be it therefore enacted by the President, Council, and Assembly, That the said sum of one hundred pounds, mentioned in the said Act, be increased to the sum of one hundred and fifty pounds: so that the rewards to be given out of the Province Treasury may amount to, but shall not in any one year exceed the said sum of one hundred and fifty pounds.

#### CAP. XXVII.

An ACT to declare the qualifications of Church Wardens, and Vestrymen, in the several Parishes in this Province, and of the Persons having voices in their election.— Passed the 14th of March, 1810.

Be it enacted by the President, Council, and Assembly, That the inhabitants of the several and respective Parishes in this Province, who are Members of the Church of England, or who do, or shall regularly attend divine service in, and according to the forms, rites and ceremonies of the same Church, in the Parish where they shall or may be resident, or who shall be owners or proprietors of pews in such Church, shall and may be qualified, and capable to be elected and appointed, and to have and hold the said offices or places of Church Wardens, and of Vestrymen, and also to have voices and votes in the election of all such Church Wardens and Vestrymen, in the several Parishes in which they shall respectively reside as aforesaid; and that no other person or persons whatsoever, shall be qualified, or capable to hold or enjoy the said offices or places, or any, or either of them, or shall have voice or vote in the election, or appointment of any such Church Wardens or Vestrymen, in any Parish in this Province: any Law, usage, or custom to the contrary notwithstanding.

#### CAP. XXVIII.

An ACT, to repeal an Act, intituled "An Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John." Passed the 14th of March, 1810.

Be it enacted by the President, Council, and Assembly, That the Act made and passed in the forty eighth year of His Majesty's Reign, intituled "An Act to make more effectual provision for repairing the Aboideau or Bridge, across the Marsh Creek in the City and County of Saint John," be, and the same is hereby repealed.

#### CAP. XXIX.

An ACT to revive and continue sundry Acts of the General Assembly, that have expired. Passed the 14th of March, 1810.

Be it enacted by the President, Council, and Assembly, That an Act made and passed in the forty first year of His Majesty's Reign, intituled "An Act for preserving the bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury." Also, an Act made and passed in the forty first year of His Majesty's Reign, intituled "An Act to continue an Act, for preserving the bank of the River Saint John, in front of the Parishes of Manguerville, Sheffield, and Waterborough," be, and the same are hereby revived and declared to be in full force for six years and no longer.

#### CAP. XXX.

An ACT to revive and make perpetual an Act, intituled "An Act for the support and relief of confined debtors," and further to extend the provisions of the same. Passed the 14th of March, 1810.

WHEREAS an Act made and passed in the forty first year of His Majesty's Reign, intituled "An Act for the support and relief of confined debtors," has lately expired; And whereas the support and relief intended by the said Act, have been found expedient and necessary; And whereas it is deemed expedient further to extend the provisions of the said.

I. Be it therefore enacted by the President, Council and Assembly, That the said Act shall be revived and continued, and the same is hereby declared to be revived, and to be in full force, and made perpetual.

II. And be it further enacted, That each and every debtor committed to Gaol in execution upon any Judgment recovered before any Justice of the Peace, in such Justices Court, shall be intitled to the benefit of the said Act; and such Justice, or any other Justice of the Peace of the County, in the Gaol of which the debtor shall be confined, upon such application, notice, and examination, as are prescribed in the cases mentioned in the said Act, shall make the like orders for the relief of such debtor, in every respect as if the execution against such debtor, had issued out of either of the Courts mentioned in the said Act.

III. And be it further enacted, That every person who being sworn, under and by virtue of the provisions of this Act, shall be convicted of making or taking a false oath to any of the facts to which he may be required to swear, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt Perjury.

#### CAP. XXXI.

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. Passed the 14th of March, 1810.

I. Be it enacted by the President, Council, and Assembly, That when any proprietor or occupant of any intervale lands in Queen's-County, or the County of Sunbury, over which any Highway, or Public Road passes, shall think it necessary or expedient for the protection of such intervale land, that a fence or fences should be erected across such road or highway, with a swinging gate or gates therein, and with a fence or fences extending into the water, from the place or places where such road or highway may require fencing (if the same shall be at or near the shore of any river or other water,) it shall and may be lawful for such proprietor or occupant, to prefer a petition to any two of His Majesty's Justices of the Peace, in the said respective Counties, stating particularly the objects and grounds of such

application, and praying for permission to erect such fence or fences; upon the presenting whereof, the said Justices are authorized and required forthwith, by order thereon, indorsed to appoint five substantial and disinterested freeholders of the said respective Counties, not resident in the Town or Parish in which such fence or fences, is or are proposed to be erected, to be Commissioners to examine and report upon such Petition, which Commissioners shall be sworn to the faithful discharge of their trust, before the said Justices or either of them, a certificate of which shall be indorsed upon the same petition: And the said Commissioners shall thereupon proceed to view the said place or places where the same fence or fences are proposed to be erected, and to report thereon in writing, to the then next Court of General Sessions of the Peace for the said respective Counties: And if it shall appear to the Justices of such Court from the report so made by the said Commissioners, or by any three of them, that it is necessary or expedient that the fence or fences prayed for, should be erected, they are hereby authorized and required to make an order for the erection of such fence or fences, with a good convenient swinging gate or gates in the same where such fence or fences cross the road, and to make such further order respecting the same as to them shall seem meet: and that it shall be lawful for the person or persons so petitioning at his, her or their own expence to erect such fence or fences, with such swinging gate or gates, agreeably to the directions of the said Court.

II. And be it further enacted, That if any person or persons shall break, or throw down, or in any way destroy any fence or fences so to be erected, or any part thereof; or shall block up and fasten, or stake open, or take down, or destroy any gate or gates, which may be erected by virtue, and in pursuance of this Act, such offender or offenders shall upon conviction thereof, before any one of His Majesty's Justices of the Peace, of the said Counties respectively, upon the oath of one or more credible witnesses or witnesses, forfeit and pay the sum of twenty shillings, for each and every offence, to be levied with costs by warrant of distress and sale of the offenders goods, under the hand and seal of such Justice, directed to either of the Constables within the said respective Counties, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the common gaol of the County, there to remain for the space of five days, unless the said sum with costs be sooner paid: which forfeiture when recovered, shall be paid into the hands of the overseers of the Poor of the Parish, where the offence shall be committed, for the use of the said Poor; and such offender or offenders shall be further liable for all damages sustained thereby, to be recovered with costs by action or actions, at the suit of the party injured. Provided always, that if any gate or gates erected by virtue, or in pursuance of this Act, shall not be kept in good repair by the proprietor or proprietors thereof, at his, her, or their own expence, he, she, or they shall have no benefit or advantage from this Act.

III. Provided always and be it further enacted, That whenever it shall appear to the said Justices in General Sessions by the report of any three or more of five Commissioners (freeholders as aforesaid) to be appointed and sworn in manner as aforesaid, that the reason for erecting any such fence or fences, has ceased to exist, it shall and may be lawful for the said Justices in their General Sessions to order such fence or fences to be removed; and the proprietor or proprietors of such fence or fences, shall not after such order, have any further benefit or advantage from this Act; and the continuance of such fence or fences, shall thereafter be considered and adjudged to be a nuisance upon the Highway.

IV. And be it further enacted, That this Act shall continue in force for four years and no longer.

#### CAP. XXXIII.

An ACT to continue the establishment of County Schools, as provided for by an Act, intituled "An Act for encouraging and extending Literature in this Province." Passed the 14th of March, 1810.

WHEREAS in and by the ninth, tenth, eleventh, twelfth, and thirteenth Sections of an Act made and passed in the forty fifth year of His Majesty's Reign, intituled "An Act for encouraging and extending Literature in this Province," provision is made for establishing for six years, Schools in the several Counties in this Province. And whereas it is expedient that the said establishment be further continued.

Be it therefore enacted by the President, Council, and Assembly, That the said establishment of County Schools, and the Provision made for the same as aforesaid, be, and the same is hereby continued for the further term of five years from the 5th day of March, which will be in the year of our Lord one thousand eight hundred and eleven.

#### CAP. XXXIV.

An ACT to appropriate a part of the Public Revenue for the services therein mentioned. Passed the 14th of March, 1810.

I. Be it enacted by the President, Council, and Assembly, That there be allowed and paid out of the Treasury of this Province, unto the several persons hereafter mentioned, the following sums, to wit,

To the Speaker of the House of Assembly, the sum of fifty pounds.

To the Members of the House of Assembly, for defraying the expences of their attendance, during the present Session; and for travelling charges, reckoning twenty miles to each days travel, to be certified by the Speaker ten shillings per diem.

To the Chaplain of the Council in General Assembly, the sum of twenty pounds.

To the Chaplain of the House of Assembly, the sum of twenty pounds, and the further sum of five pounds for his travel and expences.

To the Clerk of the Council in General Assembly, and to the Clerk of the House of Assembly, fifty pounds each, and ten shillings per diem each, during the present Session.

To the Serjeant at Arms attending the Council in General Assembly, and to the Serjeant at Arms attending the

House of Assembly, ten shillings per diem each, during the present Session.

To the Door keepers and Messengers attending the Council and Assembly, seven shillings and six pence per diem each, during the present Session.

To the Treasurer of the Province for his services, from the first day of May, one thousand eight hundred and eight, to the first day of March, one thousand eight hundred and nine, the sum of two hundred and twenty pounds, and from the first day of March, one thousand eight hundred and nine, to the first day of March, one thousand eight hundred and ten, the like sum of two hundred and twenty pounds.

To the Tide Surveyor in the City of Saint John, from the first day of March, one thousand eight hundred and eight, to the first day of March, one thousand eight hundred and nine, for his services and expences in performing the same, the sum of forty pounds, and the like sum of forty pounds for his services, from the first day of March, one thousand eight hundred and nine, to the first day of March, one thousand eight hundred and ten.

To Edward Goldstone Lutwyche, Esquire, for his past services, as agent for the Province, the sum of two hundred pounds sterling.

To His Honor the President or Commander in Chief, for defraying the contingent expences of this Province, a sum not exceeding one hundred pounds for the year one thousand eight hundred and ten, and a further sum of one hundred pounds for the year one thousand eight hundred and eleven.

Also a sum, not exceeding thirty guineas, for the purpose of procuring a suitable Chair of State, for the accommodation of the King's Representative in the Council Chamber of the Province Hall.

Also a further sum not exceeding one hundred and fifty pounds, for rewarding such Persons as shall apprehend Deserters, according to a Law of this Province.

Also a further sum not exceeding thirty guineas for the purpose of procuring the Royal Arms, to be placed in the Council Chamber, Supreme Court, and House of Assembly in the Province Hall.

Also a further sum of one hundred and fifty four pounds, eighteen shillings and two pence, for discharging the expences already incurred, in facilitating a Military communication, by opening and repairing Roads from Fredericton towards Saint John.

Also a further sum not exceeding five hundred pounds, to be laid out in opening and repairing the Road from Fredericton to the head of the Belleisle.

Also a further sum of two hundred pounds to be laid out in removing the Split Rock in the Falls, if on the report of the Commissioners, His Honor the President should think proper.

Also a further sum of fifty pounds sterling, for the purpose of paying a Missionary to the Indians, for the year one thousand eight hundred and ten, and the like sum for the year one thousand eight hundred and eleven.

To the President and Directors of the Grammar School in the City of Saint John, the sum of one hundred pounds for the salary of the Master of the same, for the year one thousand eight hundred and ten, and the like sum for the year one thousand eight hundred and eleven.

To the Governor and Trustees of the College in Fredericton, to be applied by them towards the tuition of the Pupils of said College, the sum of one hundred pounds, for the year one thousand eight hundred and ten, and the like sum for the year one thousand eight hundred and eleven.

To the Justices of the Peace of the different Counties in this Province, the sum of three hundred and seventy five pounds for County Schools, for the year one thousand eight hundred and ten, and the like sum for the year one thousand eight hundred and eleven, agreeably to a Law of this Province.

To the Adjutants of the Militia in the different Counties in this Province, a sum not exceeding one hundred and eighty five pounds for the year one thousand eight hundred and ten, and the like sum for the year one thousand eight hundred and eleven, agreeably to a Law of this Province.

To the Keeper of the Light House on Partridge Island, the sum of eighty pounds, for his services for the year one thousand eight hundred and ten, and the like sum for the year one thousand eight hundred and eleven; such sums to be paid on the Keeper's producing to the Treasurer of the Province, the Certificate of the Commissioners of the Light House, that the light in said Light House, has been well and faithfully kept.

To Mrs. Mary Upham, the widow of the late Justice Upham, the sum of two hundred pounds; also to Miss Elizabeth Upham his eldest daughter, the sum of one hundred pounds.

To Mrs. Tilton, in consideration of her situation represented in her petition, the sum of twenty five pounds.

To William Pagan, Esquire, to reimburse him for sundry charges of public letters, the sum of seven pounds ten shillings.

To the Honorable Mr. Odell, Secretary of the Province for past services, one hundred pounds.

To the Honorable Mr. Sproule, Surveyor General, for past services, the sum of one hundred pounds.

To the Adjutant General of the Militia for past services, including Stationary, and other expences, the sum of one hundred pounds.

To John Mount the sum of one hundred pounds.

To Lieutenant-Colonel Wetmore, for defraying expences incurred in apprehending deserters from the embodied Militia, stationed at Saint John in the year one thousand eight hundred and eight, the sum of twenty two pounds, eighteen shillings and three pence.

To the Justices of the General Quarter Sessions of the Peace, for the City and County of Saint John, towards defraying the expences of adding to and repairing the Gaol of that City and County, the sum of one hundred and fifty pounds.

To the Magistrates of the County of York, for completing the Gaol of that County, the sum of seventy five pounds.

To Jacob S. Mott for printing the Votes and Journals