

THE NEW-BRUNSWICK
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An Act to alter and amend an Act intituled "An Act for the organization and regulation of the Militia of this Province."
Passed the 21st March, 1822.

WHEREAS in and by the ninth Section of an Act made and passed in the 36th year of the Reign of His late Majesty King George the Third intituled "An Act for the organization and regulation of the Militia of this Province," it is enacted that fines shall be recoverable before the Captains and Commanding Officers of Companies, and be levied by distress and sale of the delinquents goods by an order of such commanding officer, directed to a non-commissioned officer of the Company, who is thereby authorized to serve and execute the same.

And whereas, non-commissioned officers have found it very difficult, and in many cases impossible to levy the fines, or execute the warrants in such cases to them directed, and it is considered that the fines may be levied with much greater facility and certainty, if the orders and warrants are directed to the Constables in the several Parishes to be by them executed as Justices Summons and warrants are accustomed to be done; and it is a matter of great importance in order to enforce the punctual attendance of the Militia, that the fines should be strictly exacted,

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the said ninth section of the said Act, and also so much of the eleventh and fourteenth sections of the said Act as relates to the levying of the fines thereby imposed by the non-commissioned officers of the Company to which the person on whom such fine is imposed may belong, be and the same are hereby repealed.

II. And be it further enacted, that all fines which may be imposed by virtue of the eighth, eleventh, and fourteenth sections of the said in part recited Act, shall be recoverable before the Captain or officer commanding the Company, to which the delinquent shall belong, and be levied by distress and sale of the delinquents goods, by an order of the said commanding officer, to the Constable or Constables of the City, Town, or Parish wherein such delinquent shall reside; which Constables are hereby authorized and required to execute the same, and also the warrant herein-after-mentioned, taking the same fees as in other similar cases, and rendering the overplus, if any, after deducting the cost and charges of such distress and sale, to the delinquent; and if no goods or effects shall be found whereon to levy the said fine, the Constable to whom the execution of the said order may be committed, shall make a return thereof on the back of such order, and thereupon the delinquent shall by warrant under the hand and seal of such commanding officer be committed to the County Goal, there to remain for the term of two days for the fine of each days delinquency, and the keeper of any Goal is hereby authorized and required to receive and keep such delinquent during the time specified in such warrant, and then discharge him on payment of the customary fees: Provided always, that such delinquent shall not be kept in Goal more than two days beyond the term specified in the warrant for any default in the payment of fees.

III. And be it further enacted, that all orders to be issued by any commanding officer of a Company under and by virtue of the provisions of this Act, or the above in part recited Act, shall be in the form following:

and each and every of them.
You are hereby required forthwith to demand of N. B. the sum of being the amount of a fine imposed upon him under and by virtue of the Militia Law, and on his refusal to pay the same, to levy and distrain the amount thereof of the goods and chattels of the said N. B. and to sell and dispose of the goods and chattels so to be distrained within six days, unless the said sum of together with reasonable charges of taking and keeping such distress shall be sooner paid, and return to me what you shall do by virtue of this order.

Given under my hand this day of
And that all warrants to be issued by the commanding officer of any company for the imprisonment of any delinquent shall be in the form following viz.—

To the Constables of the of
and each and every of them.

Whereas a fine of has been imposed on N. B. for an offence against the Militia Law, these are therefore to require and command you to take and arrest the said N. B. and convey and deliver him to the custody of the keeper of the common County Goal, and you the said keeper are hereby required to receive the said N. B. in your custody in the said Goal, and him safely keep for the space of days unless the said fine with the accustomed fees shall be sooner paid.

Given under my hand and seal the day of 18

IV. And be it further enacted, that this Act shall extend to the recovery of all fines already imposed, where the same have not actually been paid or the delinquent taken into custody; as well as to those fines which may be imposed after the passing of this Act.

V. And be it further enacted, that the Constables shall without unnecessary delay pay over the fines collected from any delinquent, to the Quarter Master of the Battalion to which such delinquent shall belong, or in default of payment shall be liable to an action of debt at the suit of such Quarter Master in any Court having jurisdiction of the same.

VI. And whereas doubts have arisen whether aliens who may be prosecuted at the suit of the Quarter Master, for the recovery of the sum payable by them, in and by the forty second section of the said in part recited Act, are liable to the costs of prosecution; and it is expedient to make other provisions in this regard.

Be it further enacted, that the said forty second section of the said Act be, and the same is hereby repealed, and in lieu thereof **Be it enacted**, that all persons other than British subjects (or those who have taken the oath of allegiance prior to the late war between Great-Britain and the United States of America) who shall have resided for the space of two months in this Province, shall pay to the Quarter Master of the Battalion in the district in which they shall reside, the sum of thirty shillings, and the Quarter Master of such Battalion is hereby authorized and required to proceed for the recovery thereof, with costs of suit before any one of His Majesty's Justices of the Peace resident within such district: and upon recovery, the said sum of thirty shillings together with all costs of suit shall be levied by distress and sale of such aliens goods and chattels and for want of such goods and chattels such Justice shall commit such aliens to the common Goal of the County there to remain for the space of six days, unless the said fine with costs and all customary fees be sooner paid; and the keeper of any Goal is hereby authorized and required to receive and keep such delinquent alien, during the term specified in such warrant, and then discharge him on payment of the customary fees. *Provided always*, that such delin-

quent alien shall not be kept in Goal more than three days beyond the term specified in the warrant for any default in the payment of fees.

VII. And be it further enacted, that the Captains or Commanding Officers of Companies, shall on or before the first day of June, in each year, make out and transmit to the Quarter Master of the Battalion, lists of all aliens within the district of their respective Companies.

VIII. And be it further enacted, that the eighteenth section of the herein before recited Act to which this is an amendment, be and the same is hereby repealed.

IX. And be it further enacted, that the Commanding Officers of Battalions, when hereunto required by the Governor or Commander-in-Chief, are hereby authorized and required to appoint fit and convenient places within their respective districts, to serve as depots for arms for the use of their respective Battalions.

X. And be it further enacted, that all the fines, penalties and sums of money whatever received under and by virtue of the provisions of this Act, or of the Act to which this is an amendment, from any Battalion of Militia in this Province, shall after defraying the contingent expenses of such Battalion, pursuant to the forty-third section of the herein before recited Act, be appropriated by the Commander-in-Chief to such an amount as may be necessary for the cleaning and keeping in repair the arms, placed in the depots appointed for the use of such Battalion, and in case the said fines penalties and sums of money received from any Battalion after paying the contingent expenses thereof as aforesaid, shall not be found sufficient to defray the expence incurred in cleaning and keeping in repair the arms placed in depot for the use of such Battalion, that then such further sum as the Commander-in-Chief may think proper, shall be paid by the Treasurer of the Province, to the Commanding Officer of such Battalion, to be by him appropriated to the cleaning and keeping in repair the arms of such Battalions, by warrant of the Lieutenant-Governor or Commander-in-Chief by and with the advice of His Majesty's Council: *Provided nevertheless*, that no greater sum than twenty pounds over and above the fines, penalties and sums of money received from such Battalion, after deducting the contingent expenses thereof, as aforesaid, shall be paid to the Commanding Officer of any Battalion in any one year, for the purpose of cleaning and keeping in repair the arms of such Battalion.

XI. And be it further enacted, that the said eleventh and fourteenth sections and all other parts of the said in part recited Act (except as far as the same are hereby expressly repealed altered or amended) shall be and the same are hereby declared to be, and remain in full force.

XII. And whereas doubts have arisen whether any officer guilty of disobedience of orders, or other misconduct, in any case when not on real service, can be brought to a Court Martial under and by virtue of the provisions of the said in part recited Act: **Be it declared and enacted**, that any officer who may disobey orders, neglect his duty, or be guilty of any misconduct, although not on real service, may be brought to a General Court Martial to be constituted and appointed in the same Act directed, the proceedings of which Court Martial shall be in the manner in the same Act mentioned, which Court Martial shall have power to punish such offender by cashiering, suspension, or reprimand as the case may require, provided that no sentence of such Court Martial shall be carried into execution until approved of by the Lieutenant-Governor or Commander-in-Chief for the time being.

An ACT in amendment of the Laws now in force for the support and relief of Confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their persons.

Passed the 21st of March 1822.

WHEREAS by the Laws now in force, no provision is made for the support of Debtors confined for sums exceeding two hundred pounds, who may be unable to provide or secure their necessary support; and it is expedient to extend the benefits of the several Acts of Assembly in this behalf made, to all Confined Debtors, whatever may be the amount of the Debts for which they are held in confinement—

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, that the several and respective provisions and enactments of an Act made and passed in the forty first year of the Reign of His late Majesty King George the Third, intituled "An Act for the support and relief of Confined Debtors," and of another Act made and passed in the fifth year of the same Reign, intituled "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," and of another Act made and passed in the fifty-ninth year of the same Reign, intituled "An Act in addition to and in amendment of an Act, intituled "An Act for the support and relief of Confined Debtors, and the Act further to extend the provisions thereof," be, and the same are hereby extended, and shall and may be applied to all cases of persons committed to any Gaol in this Province, for debt to any amount; any thing in the said above recited Acts, or any of them, to the contrary thereof in any wise notwithstanding.

And whereas it is expedient to make further provisions for the relief of Debtors with respect to the imprisonment of their persons—

II. Be it enacted by the Lieutenant-Governor, Council and Assembly, that the Justices of the Peace in the several Counties in this Province, or the major part of them, shall and may, and they are hereby authorized and required at the first General session of the Peace to be holden in the respective Counties after the passing of this Act, or at any Special session for that purpose to be convened and holden, to designate and mark out by proper limits, fit and convenient Yards for the Goals in their respective Counties, and to contract and agree with able and sufficient Workmen, for enclosing such Yards with proper, substantial, and secure walls or fences, not less than ten feet in height, or to appoint Contractors for that purpose, and to agree for such sum or sums of money to be paid therefore, as to them may seem meet; and the said Justices, or the major part of them, are hereby authorized and empowered, at any Session as aforesaid, to make a rate and assessment of any sum that may appear necessary for the above purpose, the same sum to be assessed, levied, collected, and paid, in such proportion, and in the same manner, as any other County rates can or may be assessed, levied, collected, and paid, by virtue of an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for assessing, collecting, and levying County rates," or any other Act now or hereafter to be made for the like purpose. And the walls or fences enclosing such Gaol Yards, shall from time to time be maintained and repaired, as need may require, in like manner as any Gaol, Court-House, or other Public Work, is to be repaired, by any Law now or hereafter to be made.

III. And be it further enacted, that whenever any person is confined in any Gaol in this Province, for debt, either upon mesne process, or in execution, the Sheriff or whose custody such person may be, is hereby authorized and empowered to permit and suffer such person to go about and have his liberty within the Yard of such Gaol so to be marked out and enclosed as herein before provided for, upon bond being given to the Sheriff by the name of his office, by such Debtor, with two sufficient Sureties, to the satisfaction of the Sheriff, in double the amount of the debt or debts for which such Debtor shall be in confinement, upon condition thereunder written, that such Debtor shall not go or be at large out of such Gaol Yard, or escape, at any time while he has the liberty of the same as aforesaid; any Law, Statute, or Custom, to the contrary notwithstanding. And the Sheriff shall be entitled to demand and receive for making such bond, the sum of five shillings and no more, and such bond shall be in the following form and no other, that is to say:

Know all Men by these presents, that We are held and firmly bound to Esquire, Sheriff of the County [or City and County] of in the sum of lawful money of New-Brunswick, to be paid to the said Sheriff or to his certain Attorneys, Executors, Administrators, or Assigns, for which payment well and truly to be made, we bind ourselves and each of us by himself, for and in the whole, our and each and every of our Heirs, Executors, and Administrators, firmly by these presents. Sealed with our Seals, and dated this day of in the year of the Reign of our Sovereign of the United Kingdom of Great-Britain and Ireland Defender of the Faith, &c. &c. and in the year of our Lord one thousand eight hundred and

Whereas the above named Sheriff, as aforesaid, hath given permission to the above bounden a Debtor confined in the Gaol of the County [or City and County] abovementioned, to go about and have his liberty within the Yard of the said Gaol,—
Now the condition of this obligation is such, that if the said shall not go or be at large out