

THE NEW-BRUNSWICK ROYAL GAZETTE.

[Volume II.]

TUESDAY, 26th MARCH, 1816.

[Number 3.]

THE GAZETTE.

BY HIS HONOR
MAJOR GENERAL
GEORGE STRACEY SMYTH,
President, and Commander in Chief of the
L. S.) Province of New-Brunswick, &c. &c. &c.
G. S. SMYTH.

A PROCLAMATION.

WHEREAS by Act of Parliament passed in the Forty-eighth Year of His present Majesty's Reign, Power is given to the Governor, Lieutenant Governor, or Commander in Chief of this Province, with the advice and consent of His Majesty's Council, to allow the importation of certain enumerated articles from the United States of America into this Province, for the purpose of re-exporting the same—I have therefore thought fit with the advice and consent of His Majesty's Council, to publish this Proclamation, whereby authorising and empowering British Subjects, for the space of six months from the date hereof, to import and bring into this Province from the United States of America, in British built Ships or Vessels, owned and navigated according to Law; Scantling, Planks, Staves, Heading-Boards, Shingles, Hoops or Squared Timber of any sort; Horses, Neat-Cattle, Sheep, Hogs, Poultry, or Live Stock of any sort; Bread, Biscuit, Flour, Peas, Beans, Potatoes, Wheat, Rice, Oats, Barley, or Grain of any sort; and British Subjects during the same period, are hereby authorised and empowered to Export in British Ships, owned and navigated as aforesaid, all or any of the said herein before enumerated articles, to any other of His Majesty's Colonies or Plantations.

GIVEN under my Hand and Seal at Fredericton the eighteenth day of December, in the Year of our Lord one thousand eight hundred and fifteen, and in the fifty-sixth year of His Majesty's Reign.

By His Honor's Command,

WM. F. ODELL.

AN ACT

For the establishment, regulation and improvement of the great Roads of Communication throughout the Province. Passed the 11th of March, 1816.

[Concluded from last Gazette]

VI. And be it further enacted, That there be allowed and paid out of the Province Treasury the following sums of Money:—that is to say, to the said Edward W. Miller, James Brittain, and Henry Nase, Supervisors as aforesaid, the sum of four thousand pounds towards improving and repairing the Public Road between Fredericton and Saint-John, and for building and repairing Bridges upon the same;—to the said Benjamin Wilson, George Harding and Ichabod Lewis, the sum of four thousand pounds, towards improving and repairing the Public Road between Worden's and the Missisquoi, and for building and repairing Bridges upon the same;—to the said John Campbell, Christopher Hatch, and Gabriel De Veber, the sum of three thousand pounds, towards improving and repairing the Public Road between Fredericton and Saint Andrews and for building and repairing Bridges upon the same;—to the said George D. Berton, Thomas C. Lee, and Daniel Morehouse, the sum of three thousand pounds towards improving and repairing the Public Road leading from Fredericton to the Canada Line, and for building and repairing Bridges upon the same;—to the said James M. Nabb, Joseph Saunders, and John Henderson, the sum of four thousand pounds, towards improving and repairing the Public Road between Fredericton and the Northumberland Court-House, and for building and repairing Bridges upon the same;—to the said John Mount, Thomas Weyer, junr. and Moses Vernon, the sum of three thousand pounds towards improving and repairing the Public Road between the City of Saint John and Saint Andrews, and for building and repairing the Bridges upon the same;—and to the said Charles I. Peters, Nathaniel Golding, and Caleb Wetmore, the sum of two thousand pounds towards improving and repairing the Public Road between the City of Saint John and the Finger Board at Knox's Farm, and for building and repairing Bridges upon the same.

VII. And be it further enacted, That the before-mentioned sums of Money shall be paid by the Treasurer by Warrant of His Honor the President and Commander in Chief, for the time being, by and with the advice of His Majesty's Council, provided nevertheless, that no more than one third part of the said respective sums of Money shall be drawn from the Treasury and be paid to the respective Supervisors at any one time, and provided also, that the application for such sums shall be made by a majority of such Supervisors of their respective Districts.

VIII. And be it further enacted, That the said Supervisors shall respectively keep an exact account of the expenditure of the said several and respective sums, and shall produce receipts in writing from the several and respective persons to whom any part of the said sums of Money shall be paid, as vouchers for the payments, and shall render an account thereof upon Oath, which Oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer, to be transmitted to the Office of the Secretary of the Province for the inspection and examination of the General Assembly.

IX. And be it further enacted, That it shall be the

duty of the said Supervisors, when practicable, to prefer Contracts for the making and repairing the Roads and Bridges within their respective Districts, and to avoid as much as possible the hiring of men by days work, the amount of the Contracts, and the Wages of Laborers hired by the day, to be paid in Cash.

X. And be it further enacted, That the ordinary Statute labor of all Persons residing upon the said public Roads, liable by Law to work on said Road, shall be done and performed in the respective Districts under the authority and direction of the respective Supervisors of such Districts, who shall have the sole power to compel and direct the performance of the same at such times and seasons as to them shall respectively appear convenient and proper, and to expend when collected, as by Law is provided, the fines of those who shall neglect or refuse to perform their Statute Labor upon the same.

XI. And be it further enacted, That all Fences, Timber, Wood, Stones, Boards, Planks and Rubbish of any kind which shall be found to remain upon any part of the said Public Road after six days previous public notice by the respective Supervisors to remove the same, shall be forfeited; and it shall and may be lawful for the said Supervisors respectively, or any of them, without any Suit or Process of Law whatever, to cause all Articles so found, to be seized and disposed of in such way and manner as he or they may think proper; and if the same shall be sold, the proceeds of such sale shall be applied by the said Supervisor or Supervisors for the repairs and improvement of such Roads.

XII. And be it further enacted, That in case it shall be necessary or expedient for the Supervisors of their respective Districts to go out of the said Roads to procure Materials for the repairs of the said Roads, it shall and may be lawful for the said Supervisors respectively when from the absence or obstinacy of the Owner or Possessor of the soil no agreement can be made with him, to enter with Workmen, Cart, Carriages and Horses upon any uncultivated Lands, and therefrom to dig, take and carry away for the repairs of the said Roads, Stone or Gravel, and also therefrom to cut down and carry away Trees and Bushes for Logs, Poles, and Brush-wood to repair the same Roads, and the damage done thereby, shall be appraised and ascertained by the judgment of three indifferent Freeholders to be nominated by the nearest Justice of the Peace for that purpose, and the sum so ascertained shall be paid or tendered by the Supervisors respectively to the Owner of the soil, if demanded, within three months from such appraisement.

XIII. And be it further enacted, That if any Person or Persons shall wilfully hinder or interrupt any Supervisor in the lawful exercise of the duties incident to his office, such person or persons so offending shall forfeit the sum of five pounds to be recovered before any Justice of the Peace of the County, where such offence may be committed, upon conviction upon the Oath of one or more credible Witness or Witnesses to be levied by Warrant of Distress and Sale of the offenders Goods and Chatels to be paid to the Supervisors of the District where such offence shall be committed for the use of the Public Road within such District.

XIV. And be it further enacted, That in case any action of Trespass or upon the case shall be brought against any or either of the said Supervisors by reason of any thing done by them or him in the execution of his duty under and by virtue of this Act, such Supervisor or Supervisors may plead the general issue, and give the special matter in evidence at the trial in like manner as if such matter had been fully and specially pleaded.

XV. And be it further enacted, That each of the said Supervisors shall be respectively paid for every day they shall be actually employed in superintending the repair and alterations of the said Road and Bridges, the sum of twenty shillings in lieu of Commissions for the said service, and no more, which sum shall be retained by the said Supervisors out of the Monies paid for the Service of the said Road from time to time as the same shall become due, and be charged in their accounts respectively, provided that the sum so retained shall not exceed the sum of seventy-five pounds to either of the said Supervisors in any one year.

XVI. And be it further enacted, That in case of the death, removal from the District or refusal of any Supervisors to act, it shall and may be lawful for His Honor the President or Commander in Chief for the time being, by and with the advice of His Majesty's Council to nominate and appoint some other fit person being a substantial Freeholder, and having a Freehold and residence in the District for which such person shall be appointed, to be Supervisor in the room of such person so deceased or removed from the District, or who shall refuse to act.

XVII. And be it further enacted, That all and whatsoever sums of Money which have heretofore been granted towards repairing and improving any part or parts of the Roads herein before established as the great Roads of Communication in this Province, and which remain in the hands of the respective Commissioners or Persons entrusted with the expenditure of the same, unexpended and not contracted for at the time of passing this Act, be forthwith paid into the hands of the Supervisors of the respective Districts in which the said sums of Money were to have been expended, over and above the sums of Money herein before granted to them respectively.

XVIII. And be it further enacted, That the said Supervisors for the respective Districts, shall not make any alterations in any part of the Great Roads within their respective Districts through any improved Land without the consent of the Owner or Owners thereof, or agreeing with or paying to him or them the value of the said improved Land so to be laid out into such public Road with such damages as he or they may sustain by the said Road, and in case they cannot agree, then the true value to be set and appraised by five disinterested Freeholders to be nominated and appointed by the nearest Justice of the Peace, on the Oath of such Freeholder, which Oath the said Justice is hereby authorized to administer, the amount of the value and damages with the incidental expense to be defrayed by the Supervisors of the respective Districts out of the Monies herein before granted for the use of the said Road.

XIX. And be it further enacted, That the Supervisors of the respective Districts for which they shall be appointed, shall enter

in writing the said public Highways, and the alterations that may be made from time to time within the same, and make a return thereof into the Office of the Secretary of the Province and also a Duplicate thereof into the office of the Clerk of the Peace for the County in which such Public Road lies, to be by such Clerk entered into a Book kept by Law for that purpose, and whatsoever the said Supervisors shall respectively do according to the Powers given to them in this Act, shall be valid and good.

XX. Provided always, and be it further enacted, That nothing herein contained shall be construed to extend to oblige the Supervisors or any of them, to lay out the several sums heretofore granted, or any or either of them within the current year, unless in cases where the same can be done advantageously to the Public interest.

CONTRACT.

TO be Built at Fredericton, for the Offices of the Secretary and Surveyor General, two substantial STONE Buildings, in each of which there is to be an apartment completely fire proof; the whole to be of the best materials and workmanship. Proposals for this Contract, will be received at the Secretary's Office, where a plan and description of the Buildings may be seen, until the 20th of April next, when the lowest offer will be accepted; good security being given for the performance.

WM. F. ODELL.

GEORGE SPROULE.

Fredericton, 18th March, 1816.

A Court or Meeting of the Governor and Trustees of the College of New-Brunswick, is hereby summoned to be holden at the Province Hall in Fredericton, on Friday the 29th day of March instant, at eleven o'clock in the forenoon.

Dated at Fredericton the 18th day of March, 1816.

T. WETMORE,
WM. F. ODELL,
J. M. BLISS.

WANTED

A HOUSE MAID at GOVERNMENT HOUSE. Liberal Wages will be given to any Person well recommended.

Fredericton 18th March, 1816.

Legislature of New-Brunswick.

Extracts from the Journals of the House of Assembly. 14th FEBRUARY, 1816.

Read an engrossed Bill in addition to an Act, entitled "an Act, for erecting a Court-House and Gaol in the County of Northumberland." Resolved that the Bill do pass.

Ordered that Mr. J. Fraser and Mr. Belding, do carry the same Bill to the Council and desire their concurrence.

Read a second time, a Bill to provide for the Travelling charges and expences of the Members of the Legislature in General Assembly, and ordered to be committed.

MESSAGE from the COUNCIL.

"Mr. Speaker,

"The Council do agree to the conference, proposed on the amendments to the Bill to ascertain Ratable Estates, and that Judge Saunders be a Committee to manage the same, and that he communicate this Resolution to the Assembly."

Ordered, that the Committee who requested the conference on the above Bill, do manage the conference on the part of the House, and prepare reasons to be laid before the House, why the House do not agree to the amendments proposed by the Council to the said Bill.

Mr. Attorney General, brought in a Bill to revive and continue, and also to explain two Acts of the General Assembly, for the more effectual prevention of Desertion from His Majesty's Forces, which was ordered to be committed.

Read a first time, a Bill to amend and continue for