

# THE NEW-BRUNSWICK ROYAL GAZETTE.

[Volume VII.]

TUESDAY, 19th JUNE, 1821.

[Number 16.]

## The Gazette.

The following Acts passed by the Legislature of the Province of New-Brunswick, in the Month of March 1818, are confirmed, finally enacted and ratified by an order of the King in Council, dated at the Court at Carlton House the 6th day of February 1821.

**WHEREAS** it is expedient that Persons who are engaged as spiritual guides and teachers in the profession of Religious faith and Worship, should abstain as much as possible from secular affairs.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the passing of this Act, no person shall be capable of being elected a Member to serve in Assembly, or of sitting and voting therein, who shall be a Minister of the Church of England or of the Church of Scotland, or a Minister, Priest, Ecclesiastic, or Teacher under any other form or profession of religious faith or worship whatever.

II. *And be it further enacted,* That this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

**WHEREAS** by an Act made and passed in the twenty-sixth year of the Reign of His present Majesty, intituled "An Act for establishing a Tender in all payments to be made in this Province," it is enacted, "That an English Guinea shall pass current and be received for twenty-three shillings and fourpence, and a Silver English or French Crown piece for five shillings and six-pence, and all other English Gold and Silver Coins in the like proportion; and that Spanish Milled Dollars shall pass current and be received for five shillings each, and a half Joannes for four shillings, in all payments to be made within this Province."—*And whereas* since the passing of the said Act a New Gold and Silver Coinage has taken place in the United Kingdom; and doubts have arisen whether the same is receivable by virtue of the said Act as a Tender in this Province of the comparative value as in and by the same Act is provided for English Gold and Silver Coin; for the removal whereof.

I. *Be it declared and enacted by the Lieutenant-Governor, Council, and Assembly,* That in all payments to be made in this Province, the Gold Coin of the United Kingdom denominated *Sovereigns*, being of the value each of twenty shillings lawful money of Great-Britain, shall pass current and be received for twenty-two shillings and three-pence each; and the new Silver Coin called *Crowns*, of the value of five shillings each, like lawful money, shall pass current and be received for five shillings and six-pence each, and all other Gold and Silver Coin of the new Coinage aforesaid of the United Kingdom, in the like proportion. *Provided always,* that in payments made with the smaller pieces of Silver Coin, no smaller fraction than a half penny shall be calculated in the proportionate value thereof unless several of them shall be paid together so as to amount to the value of a Crown or half Crown piece, when the same shall be received for the full intrinsic value which they bear in proportion with the same larger pieces.

II. *And be it further declared and enacted,* That any former or future Gold or Silver English Coin, of the United Kingdom, shall be at all times hereafter current in this Province, and received in all payments to be made therein in the same, or a like proportion as is herein and in the before recited Act established and provided.

III. *And be it further enacted,* That in all payments to be made in this Province the Gold Coin of the United States of America called *Eagles* of the value each of ten Dollars of the Silver Coin of the said United States, shall pass current and be received for fifty shillings, and the said dollar of the said United States, for five shillings, and other Gold and Silver Coin of the said United States in the like proportion.

IV. *And be it further enacted,* That this Act shall not be in force until His Majesty's Royal approbation be had and declared to the same.

By Command,  
GEORGE SHORE, Depy Sec'y

At a Court at Carlton-House, the 21st of March 1821,

PRESENT,

The KING's Most Excellent Majesty in Council.

**WHEREAS** by an Act, passed in the fifty-eighth year of the reign of His late Majesty King George the Third, intituled "An Act to allow for three years, and until six weeks after the commencement of the then next session of Parliament, the importation into ports specially appointed by His Majesty within the Provinces of Nova Scotia and New-Brunswick, of the articles therein enumerated, and the re-exportation thereof from such ports," it is enacted that it shall and may be lawful, in any British ship or vessel owned and navigated according to law, or in any ship or vessel according to the subject of any Sovereign or State

in amity with His Majesty, to import into and export from such ports within the provinces of Nova Scotia or New-Brunswick, as shall be specially appointed for that purpose, certain articles in the said Act enumerated, any thing in any law to the contrary notwithstanding; His Majesty, by virtue of the powers vested in Him by the above recited Act, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the date of this order, and until further order made thereon, it shall be lawful, in any British built ship or vessel, owned and navigated according to law; or in any ship or vessel belonging to the subjects of any Sovereign or State in amity with His Majesty, to import into the port of St. Andrews, in New Brunswick, any scantling, planks, staves, heading-boards, shingles, hoops, horses, neat cattle, sheep, hogs, poultry, or live stock of any sort; bread, biscuits, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort; pitch, tar, turpentine, fruits, seeds, and tobacco; provided that such articles shall, in all cases where the same shall be imported in foreign vessels, be of the growth, produce, or manufacture of the country to which the vessels importing the same shall belong; and that it shall be lawful in any British built ship or vessel, owned and navigated according to law, to export from the said port any of the said articles, either to the United Kingdom, or to any other of His Majesty's possessions.

And it is hereby further ordered, that it shall and may be lawful, in any British-built ship or vessel, owned and navigated according to law, or in any ship or vessel belonging to the subjects of any Sovereign or State in amity with His Majesty, to export from the port of St. Andrews, in New Brunswick, any gypsum, grindstones, or other produce or manufacture of the said province; and also any produce or manufacture of the United Kingdom, or of His Majesty's colonies or plantations in the West Indies, or any goods whatever which shall have been legally imported into the said province, provided that none of the said articles shall be exported from the port above-named, to any foreign country or place, in any foreign vessel, unless such foreign vessel shall belong to the country to which the said articles shall be exported.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein accordingly. *Jas. Buller.*

*An ACT to amend the Laws now in force relating to Trespasses, and to make further regulations to prevent the same.*

Passed the 20th of March, 1821.

**WHEREAS** the fifth and sixth sections 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 to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same," have been found ineffectual for the purposes intended thereby, and it is necessary to make new and further regulations for preventing trespasses:

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the said fifth and sixth sections of the said herein before recited Act, be, and the same are hereby repealed.

II. *And be it further enacted,* That when any horses, sheep, swine, goats, or neat cattle, shall break into any field or inclosure under lawful fence, or into any of the islands or low lands, in the respective Counties, contrary to any regulations made or to be made by the Justices of the Peace, in their General Sessions, under and by virtue of the third Section of the said herein before recited Act, or shall be found trespassing therein, the owner or owners of any

such beast so trespassing, shall forfeit and pay to the use of the Poor of the Town or Parish where the lands lie, a fine of ten shillings per head for horses or neat cattle, and a fine of five shillings for each swine or goat, and a fine of one shilling for each sheep, so breaking or found trespassing as aforesaid, to be recovered, with costs of prosecution, before any one of His Majesty's Justices of the Peace, and shall also pay to the party injured, the amount of any damages sustained by such trespass, to be ascertained by appraisement of three credible Freeholders where such lands lie, being sworn before a Justice of the Peace, truly and impartially to value the same, and the party injured may impound each and every such beast so trespassing, and the pound keeper shall cause the same to be advertised as soon as may be, in two of the most public places in the neighbourhood of the pound, and if the owner or owners thereof shall neglect to pay such fine, costs and damages, and also to the pound keeper two shillings per day for each sheep, swine, or goat, with charges of advertising the same, within fourteen days after the same shall be impounded, such beast or beasts shall be publicly sold, or so many of them as may be necessary to defray the said fine, costs, damages, and charges, and the monies arising from such sale, after deducting the fine, costs, damages, and charges, shall be paid to the owner or owners thereof, and if the owner does not appear, then to the Overseers of the Poor, for the use of the Poor of such Town or Parish.

III. *And be it further enacted,* That if any person or persons shall rescue any beast or beasts so found trespassing as aforesaid, from any Hog-Reeve or other person whatsoever, driving such beast or beasts as aforesaid to pound, each and every offender shall forfeit, for such rescue, the sum of five pounds, over and above all damages that may be sustained by the trespass, which penalty may be recovered before any one of His Majesty's Justices of the Peace, on the oath of one credible witness, and levied by warrant of distress and sale of the offender's goods; and in case sufficient distress cannot be found whereon to levy the same, then such offender or offenders shall be committed to the common Gaol, or House of Correction of the County, there to remain, without bail or mainprize, for a term not exceeding fifteen days; and if any person or persons shall make a breach of any pound; or if any pound keeper or any other person or persons shall unduly or by any indirect means deliver or set at large any beast so impounded, such pound keeper or other person or persons so offending, and every of them, shall upon conviction before any two Justices Quorum Unus, forfeit for every such offence, ten pounds; and in case sufficient distress cannot be found whereon to levy the same, such offender or offenders shall be committed to the Common Gaol or House of Correction of the County, there to remain, without bail or mainprize, for a time not exceeding thirty days; and that the several penalties in this section mentioned, shall, upon recovery, be paid and applied, one half to the person prosecuting, and the other half to the use of the Poor, after deducting the charges and expenses of repairing such pound breach.

IV. *And be it further enacted,* That all good, strong, and sufficient fences, four feet six inches in height, shall be deemed and adjudged lawful fences under this Act. *Provided always,* that nothing in this Act contained shall prevent the provisions of this Law from taking effect in any case where it shall appear that the breach into any field has been made in a place where the fence is lawful. *And provided also and be it further enacted,* that in cases where it shall be made to appear that the trespass has been committed by breaking through that part of a division fence which the owner of the trespassing cattle or swine ought to keep in re-

pair, he want of reparation or defect of such fence shall not be deemed, taken, or considered to be any excuse for such trespass; any thing herein, or in the herein before recited Act, to the contrary notwithstanding.

V. *And be it further enacted,* That the said herein before recited Act and all other Acts relating to trespasses, shall remain in full force, except as herein before altered and amended.

*An ACT for the establishment as public roads of all roads in this Province for which any public monies may have been or shall be hereafter granted.*

Passed the 20th of March, 1821.

**WHEREAS** monies have been granted for the cutting, laying out, and improving various roads in this Province, at different Sessions of the General Assembly: And whereas no records have been made or kept of many of such roads, and the same are therefore liable to be shut up, or claimed as private property, and the public thereby deprived of the benefit of the same: For remedy whereof.

*Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That all and every road and roads in this Province, for and upon which any money has heretofore been appropriated and expended, or shall hereafter be appropriated by the Legislature out of the public monies of this Province, and expended, and of which no records have been heretofore made or kept, shall be deemed and used, and the same are hereby declared and confirmed to be public highways or roads, for the use and benefit of the public, in as ample and full a manner as if the same had been laid out and recorded under and pursuant to the provisions and regulations of an Act made and passed in the fiftieth year of the Reign of His late Majesty King George the Third, intituled "An Act for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province," or under and pursuant to any Act of Assembly, passed or to be passed, for establishing and regulating highways in this Province.

## NOTICE.

SECRETARY'S OFFICE,  
13TH APRIL, 1821.

**IT** having been ordered by Government that no accounts for Postage on Letters, addressed to the Public Offices solely for the benefit of Individuals, be in future allowed. All Persons sending Letters to the Secretary's Office are hereby notified that, unless such Letters are exclusively on Public Business, the Postage must be paid, otherwise they will not be received; and Persons sending Letters to the Office on Public Business are requested to mark them on the outside "on Public Service."

## NOTICE.

**APPLICANTS** for Land are hereby notified that the Memorial as at present established, will entitle single Men above the age of twenty-one years, to one hundred acres only, and those with Families, to two hundred; and that Applicants having the means of cultivating a greater quantity of Land, must have their Memorials testified to that effect by respectable persons known to the Government.

By command of the Lieutenant-Governor in Council.

(Signed) GEO. SHORE,  
Depy. Sec'y.

**A** Custom having recently prevailed of sending Memorials and other Communications from Individuals, relating solely to their own concerns, direct to the Lieutenant-Governor. Notice is hereby given that Papers of this description must be sent to the Secretary's Office, Post paid, otherwise they will not be considered.

By Command,  
GEO. SHORE, Depy. Sec'y.