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OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
PASSED IN THE YEAR
1852.

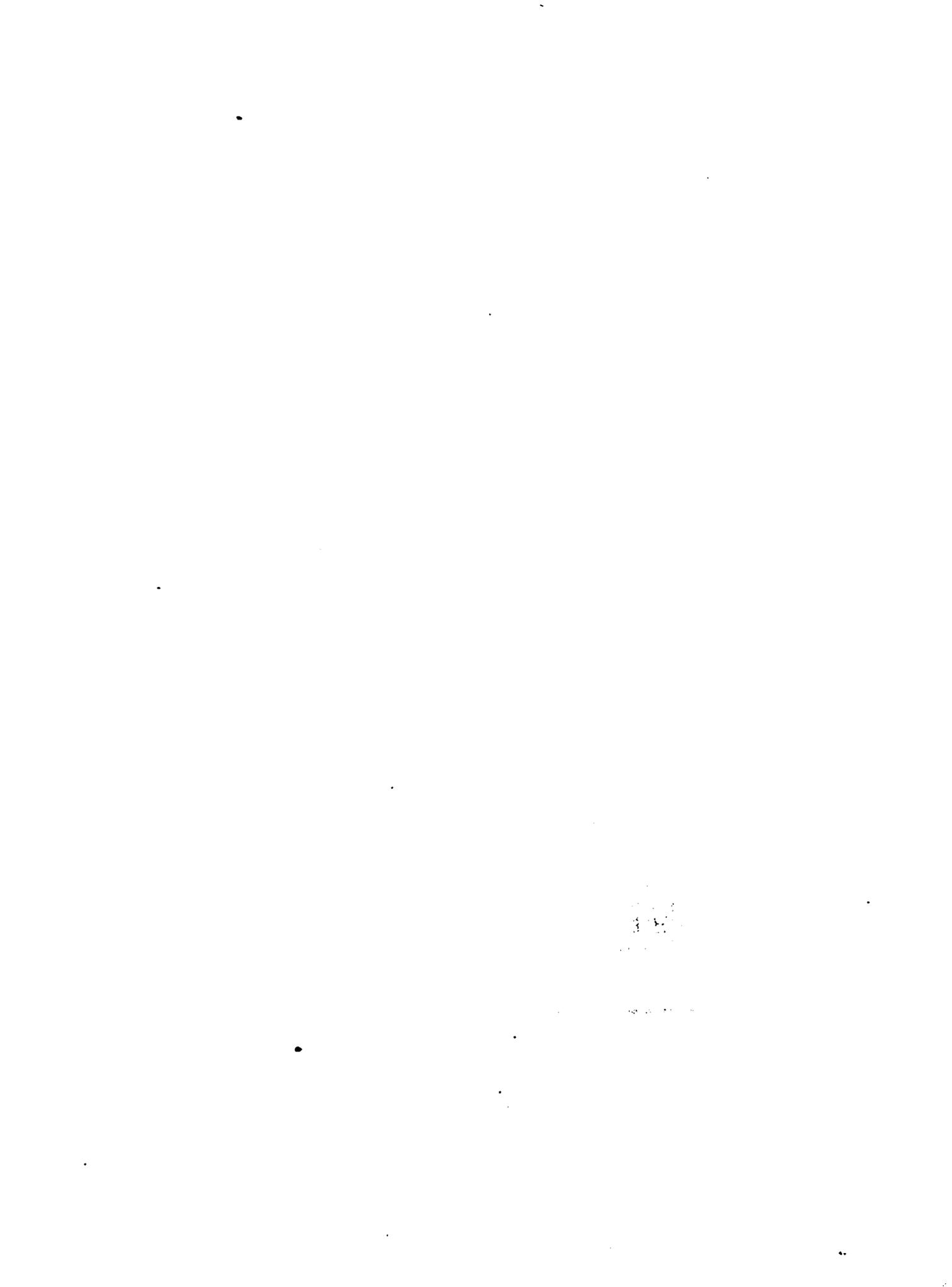
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MDCCCLII.



TITLES OF THE ACTS.

ANNO DECIMO QUINTO VICTORIÆ REGINÆ.

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THE
ACTS
OF
THE GENERAL ASSEMBLY, &c.

CAP. I.

An Act to appropriate a part of the Public Revenue for the payment of the Ordinary Services of the Province.

Passed 18th February 1852.

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

1. There be allowed and paid out of the Treasury of the Province, for the services hereinafter mentioned, the following sums, viz:—

To the Chaplain of the Legislative Council in General Assembly twenty pounds. Chaplains.

To the Chaplain of the House of Assembly twenty pounds.

To the Sergeant at Arms attending the Legislative Council in General Assembly fifteen shillings per diem during the present Session. Sergeants at Arms.

To the Sergeant at Arms attending the House of Assembly fifteen shillings per diem during the present Session.

To the Clerk of the Legislative Council in General Assembly two hundred pounds in full for his services during the present Session. Clerks of Council and Assembly.

To the Clerk of the House of Assembly two hundred pounds for his services during the present Session.

To the Clerk Assistant of the Legislative Council in General Assembly one hundred pounds in full for his services during the present Session.

To the Clerk Assistant of the House of Assembly one hundred pounds for his services during the present Session.

To the Door Keepers attending the Legislative Council and Assembly ten shillings per diem during the present Session. Door Keepers.

To the Messengers attending the Legislative Council and Assembly seven shillings and six pence per diem during the present Session. Messengers.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, ten thousand pounds towards the encouragement of Parish Schools, agreeably to a Law of this Province. Parish Schools.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one hundred pounds, to be applied in rewarding persons for apprehending Deserters from Her Majesty's Land Forces within this Province; provided that no greater sum than five pounds be paid for the apprehension of any one Deserter. Apprehension of Deserters.

To the Librarian of the Legislative Library seventy five pounds for his services to the end of the present Session. Librarian.

To the Commissioners of Light Houses in the Bay of Fundy the following sums, to pay for the services for the year one thousand eight hundred and fifty two, viz:— Light Houses.

To the Keeper of the Light House on Gannet Rock, and his Assistants, two hundred and ten pounds:

To the Keeper of the Light House on Thrum Cap, Quaco, one hundred and ten pounds, and an additional sum of thirty six pounds to enable him to pay an Assistant:

To

Light Houses,
Continued.

To the Keeper of the Light House on Point Le Proe eighty five pounds :
 To the Keeper of the Light House on Partridge Island eighty five pounds :
 To the Keeper of the Light House on Campo Bello one hundred pounds :
 To the Keeper of the Beacon Light eighty five pounds :
 To the Keeper of the Light House on Machias Seal Island one hundred and thirty pounds ; and an additional sum of thirty six pounds to enable him to pay an Assistant :
 To the Keeper of the Light House in the Harbour of Saint Andrews forty pounds :
 To the Keeper of the Light House on Cape Enrage eighty five pounds :
 To the Commissioners of Light Houses in the Gulf of Saint Lawrence eighty five pounds to provide for the Salary of a Keeper for the year one thousand eight hundred and fifty two at the Light House on Point Escuminac.

Moneys to be paid
by Warrant on the
Treasury.

2. All the before mentioned sums of money shall be paid by the Treasurer of the Province, by Warrant of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, out of the moneys now in the Treasury, or as payment may be made at the same.

Not repealed

CAP. II.

13 V. c. 19.

An Act to repeal an Act intituled *An Act to regulate the Printing and Distribution of the Acts of Assembly.*

Passed 12th February 1852.

13 V. c. 19,
repealed.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act passed in the thirteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to regulate the Printing and Distribution of the Acts of Assembly*, be and the same is hereby repealed.

See N. L. Vol. 1. Page 484. Repealed
in N. L. Vol 1 Page 30, & 424. &c &c

13 V. c. 7.

An Act to continue an Act for the better prevention of Trespasses on Crown Lands and Private Property.

Passed 18th February 1852.

13 V. c. 7,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the better prevention of Trespasses on Crown Lands and Private Property*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

As to 13. Repealed
See in N. L. Vol 1. Page 224.

CAP. IV. *See further provision*

An Act to amend the Law relating to Lunatics and Insane Persons.

Passed 18th February 1852.

A lunatic may be
apprehended on the
Warrant of two
Justices directed to
a Constable.

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

1. Any person furiously mad, or so far disordered in his senses as to be dangerous when at large, may, on evidence of the fact, be apprehended and conveyed to the Provincial Lunatic Asylum as a lunatic or insane person, on a Warrant issued by any two Justices of the Peace of the County in which the lunatic or insane person may be, and directed to any Constable of the same County.

2. It shall be the duty of the Justices to issue the Warrant, and of the Constable to execute the same, whether or not the Asylum be in the County where such Justices or Constable have jurisdiction. Duty to issue and execute the Warrant.

3. The Commissioners of the Asylum, and the persons in charge of the same, shall receive and keep any lunatic or insane person so committed, and deal with him as other inmates are by law to be dealt with. Lunatic to be received at the Asylum.

4. The reasonable expenses of removing the lunatic or insane person to the Asylum, after being proved on oath before any two Justices, shall be borne and paid in the first instance by the party applying for the apprehension, if of ability to pay the same; and when so paid, or in case such party shall be unable to pay, such Justices or any other two Justices shall, by Warrant directed to any Constable of the County, order the amount to be levied of the goods and chattels, or lands and tenements, if there be no personal property of the lunatic or insane person, with the costs of levying, and if there be no such property then the amount shall be paid, or repaid, out of the contingent fund of the County, by order of the Justices of any General or Special Sessions of the County in which such lunatic or insane person may have been apprehended. Payment of expenses of removing Lunatics to the Asylum.

5. The Warrants mentioned in sections one and four of this Act, shall respectively be as near as may be in the forms in the Schedule. Form of Warrants.

6. This Act shall not be construed to extend to abridge the prerogative of Her Majesty, or of the Chancellor, concerning such lunatics or insane persons, nor to restrain or prevent any friend or relation of such lunatics or insane persons from taking them under their own care and protection. Act not to abridge prerogative, &c.

SCHEDULE.

Warrant to apprehend a Lunatic or Insane Person.

Warrant to apprehend.

To any Constable of the County of

You are hereby required to apprehend A. B., a lunatic, or an insane person, and convey him to the Provincial Lunatic Asylum, there to be kept and dealt with as other inmates of such Asylum, and for so doing this shall be your sufficient Warrant. Dated at the day of 185 .

C. D. } Justices of the Peace for
E. F. } the County of

Warrant to levy expenses of removal.

Warrant to levy expenses.

To any Constable of the County of

You are hereby required to levy the sum of , being the expenses of removing A. B., a lunatic, or insane person, from the County of , [or from the place at which he may have been apprehended,] to the Provincial Lunatic Asylum, of the goods and chattels [or if necessary, the lands and tenements, or both goods and lands] of the said A. B., and the same to sell at public auction after fourteen days notice, to be posted up in three or more of the most public places where such property may be found; and the money arising from such sale to return to us, after deducting the expenses of the sale, together with this Warrant and your doings therein. Dated at the day of 185

C. D. } Justices of the Peace for
E. F. } the County of

See P. Laws Vol. 1. Page 284.
Repealed

CAP. V. In further provision therefor

An Act in further amendment of the Law relating to the Registry of Deeds and other Instruments.

Passed 18th February 1852.

Preamble.

in P. Laws
Vol. 1. Page
284.

10 V. c. 42.

12 V. c. 42.

WHEREAS doubts have arisen as to whether Deeds are to be deemed registered from the time they are produced for registry or only from the time when the same shall have been entered in the Registry Book, and Certificate endorsed thereon, as mentioned in the tenth section of an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Registry of Deeds and other Instruments*, and in the Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law relating to the Registry of Deeds and other Instruments*: And whereas it is expedient to declare the Law in this behalf;

Deeds for the purpose of evidence to be deemed registered from the time of production to the Register for registry.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That all Deeds, Memorials and other Instruments required to be registered, which shall be duly acknowledged and proved agreeably to the provisions of the Acts now or that hereafter may be in force relating to the registry of Deeds and other Instruments, shall, for the purposes of being read in evidence in any Court of Justice in this Province, be deemed to be on record from the time that the same shall be produced for registry at the office of the Register, and endorsed received as directed in and by the first section of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law relating to the Registry of Deeds and other Instruments*, and the production of the same so marked by the Register or his Deputy, or any other person duly authorized by such Register, shall be as good evidence of such Deeds, Memorials and other Instruments as aforesaid, and of the registry thereof, in all Courts of Justice, as if the same Deed, Memorial or other Instrument had been actually entered in the Registry Books, and had endorsed thereon the Certificate mentioned in the said tenth section of the said first hereinbefore mentioned Act made and passed in the tenth year of the Reign of Her present Majesty, and in the said Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Law relating to the Registry of Deeds and other Instruments*; provided always, that no Register shall be obliged to attend any Court with the same after it shall have been entered in the Registry Books and Certificate written thereon, nor in any case without service of Subpœna directing him to produce the same, and prepayment of his fees for attendance.

No Register obliged to attend Courts with Deeds without Subpœna. &c.

As before Repealed

CAP. VI. In further provision

An Act to annex the Territory awarded to this Province by the New Brunswick and Canadian Arbitrators in the recent settlement of the Boundary question between the Provinces of New Brunswick and Canada, to the Counties of Victoria and Restigouche, and to alter the present Boundary Line between those Counties.

Passed 18th February 1852.

Preamble.

As before Repealed
in P. L.
Vol. 1. Page 4.
S. 289.

WHEREAS there is by the terms of the award for the settlement of the Boundary between this Province and Canada, made at London, and bearing date the seventeenth day of April in the year of our Lord one thousand eight hundred and fifty one, a tract of land lying to the northwestward of the northwest boundary line of the County of Victoria as heretofore established, which is not sufficiently defined by law to be embraced in any of the Counties of this Province: And whereas it is desirable that the tract of land so awarded

' to this Province should be included in the Counties of Victoria and Restigouche ;
' and that the present dividing line between those Counties should be altered ;

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

1. So much of the first section of the Act of the General Assembly passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act to consolidate all the Laws now in force for the division of the Province into Counties, Towns and Parishes*, which relates to the establishment of the boundary line between the Counties of Victoria and Restigouche, be and the same is hereby repealed.

13 V. c. 51, s. 1, in part repealed.

2. From and after the passing of this Act, the boundary line between the Counties of Restigouche and Victoria, shall be a line running north forty five degrees west by the magnet from the northwest angle of the County of Northumberland until it strikes the southern boundary of the Province of Canada, as established by the said award, and confirmed by the Act of the Imperial Parliament of fourteenth and fifteenth Victoria, chapter sixty three.

Boundary line between Restigouche and Victoria defined.

3. All that part of the territory recently awarded to this Province as aforesaid, which lies to the southwestward of the said dividing line, is hereby annexed to and shall hereafter form part of the County of Victoria; and that part of the said territory which lies to the northeastward of the said dividing line, by this Act established between the Counties of Restigouche and Victoria, is hereby annexed to and shall hereafter form part of the County of Restigouche.

Portions of territory added to Restigouche and Victoria.

4. From and after the passing of this Act the southwestern boundary of the County of Restigouche as by this Act established, shall be the southwestern boundary of the Parish of Eldon in the said County of Restigouche, any Law or Act to the contrary notwithstanding; and the several portions of the territory hereby annexed to the County of Victoria, which adjoin the Parishes of Saint Basil, Madawaska and Saint Francis, in the said County of Victoria, are hereby respectively annexed thereto, and shall be divided by prolongations of the lines which at present divide those Parishes.

Territory added to Parishes of Eldon, St. Basil, Madawaska, and St. Francis.

See before Report CAP. VII. See Statute B. L. Vol. 1. Page 158.

An Act to establish the Road leading from Edmundston, in the Parish of Madawaska, in the County of Victoria, to the River Saint Francis, as one of the Great Roads of communication.

Passed 18th February 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from Edmundston, in the Parish of Madawaska, in the County of Victoria, to the River Saint Francis in said County, be and the same is hereby established as one of the Great Roads of communication in this Province.

Road from Edmundston to the Saint Francis made a Great Road.

CAP. VIII. This Act Repealed in R. Laws Vol 2 Page 210. and continued

An Act to continue an Act to incorporate the New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province, and to regulate and provide for the same, also an Act to alter and amend the said Act.

Passed 18th February 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province, and to regulate and provide for the same*; also an Act made and passed in the fourteenth year of the same Reign, intituled *An Act*

Acts 13 V. c. 62, and 75 in 17th Vol. 2. R. Laws a new Act is introduced 14 V. c. 8, continued. which I mean to do with all prior Acts.

to alter and amend an Act intituled An Act to incorporate the New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province, and to regulate and provide for the same, be and the same are hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

Not reprinted

CAP. IX.

An Act to legalise the Lock-up House at the Creek Village in the Parish of Woodstock, in the County of Carleton.

Passed 18th February 1852.

Preamble.

WHEREAS it is expedient from the distance the Gaol in the County of Carleton is from the Creek Village, in the Parish of Woodstock, in said County, that the building erected by the said County for a Lock-up House in the rear of the Public Offices, at or near the said Creek, should be legalised ;

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

Persons duly arrested may be committed to the Lock-up House.

1. From and after the passing of this Act, it shall and may be lawful for the High Sheriff or any other officer having legal custody of any person or persons who shall or may be arrested at or near the said Creek Village, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common gaol of said County, to commit the said person or persons to the said lock-up house until the said person or persons can be removed to the said County gaol, or otherwise discharged ; provided always nevertheless, that no person under civil arrest shall be detained in the said lock-up house for any space of time exceeding forty eight hours.

Appointment of Keeper.

2. The General Sessions or any Special Sessions shall be empowered to appoint a fit and proper person to keep the said lock-up house.

Not reprinted

CAP. X.

Local Act, 13 V. c. 5.

An Act in further amendment of an Act intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John.*

Passed 18th February 1852.

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

Authority to erect alarm bells, &c.

1. It shall be lawful for the Common Council of the City of Saint John to erect and set up in convenient places, on the east side of the Harbour, such and so many alarm bells, gongs and other suitable instruments for raising alarms of Fire in the City, as they may think expedient, with proper and convenient bell-fries, machinery and appurtenances, and for this purpose to use and occupy, if they shall think necessary, any part of King's and Queen's Squares, and by any bye laws, orders or resolutions of Common Council to direct, regulate and provide for the due and proper use, management and employment of the same.

Assessment authorized.

2. For the purpose of defraying the expense thereof, the Common Council are authorized, in ordering any assessment during the present year for the support of the Fire Department, to add thereto a sum not exceeding four hundred pounds, to be applied for the purposes of this Act and for no other use or purpose whatsoever, the same to be assessed on the eastern side of the Harbour.

CAP. XI.

An Act to provide for the erecting and making certain Wharves and improvements in the Harbour of Saint John.

Passed 18th February 1852.

‘ WHEREAS the want of Piers, Slips and Wharves, for the accommodation of Sea-going Steamers resorting to the Harbour of Saint John, is severely felt, and is highly injurious to the Trade of the City of Saint John ;
Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows :—

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, notwithstanding anything contained in an Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the City of Saint John*, and notwithstanding anything contained in an Act passed in the third year of Her present Majesty's Reign, intituled *An Act to limit the extent and regulate the building of Wharves on the eastern side of the Harbour of Saint John*, to contract and agree with able and sufficient workmen for the laying out, erecting and finishing, on the lots and parcels of land, beach and flats hereinafter described, at or near Reed's Point in the City and Harbour of Saint John, such Slips, Piers, Wharves and Jetties as may seem to them most suitable and proper for the accommodation and safety of Steamers and other Vessels resorting to the Harbour of Saint John, for such sums of money not exceeding seven thousand five hundred pounds, and upon such a plan and of such construction as may be best adapted to the said object.

2. All that certain lot, piece or parcel of land, beach and flats situate and being at Reed's Point in the City of Saint John, and bounded and described as follows, that is to say : commencing at a point on the prolongation westwardly of the southern line of Main Street, at the distance of eighty feet eastward of where the same is intersected by the prolongation of the eastern line of Prince William Street, thence southwardly at right angles to Main Street one hundred feet, thence westwardly parallel with the line of Main Street four hundred and eighty feet, thence northwardly one hundred feet to the prolongation of the said south line of Main Street, thence eastwardly to the place of beginning ; and also all that other piece or parcel of land, beach and flats situate as aforesaid, and bounded and described as follows, viz: commencing at a point on the prolongation on the northern line of Main Street at the distance of eighty feet eastward of where the same is intersected by the prolongation of the eastern line of Prince William Street, thence running northwardly parallel with the line of Prince William Street two hundred feet or until it intersects the prolongation of the south line of Britain Street, thence crossing Britain Street keeping the same course to the distance of twenty five feet to the northward of the northern line thereof, thence westwardly one hundred and fifty feet or until it intersects the prolongation of the western line of Prince William Street, thence northwardly along the prolongation of the west line of Prince William Street to the intersection of the prolongation of the northern line of Saint James Street, thence westwardly along the northern prolongation of Saint James Street two hundred and ninety feet from the west line of Prince William Street, thence southeastwardly in a direct line towards the westernmost end of the first described piece of ground two hundred and twenty feet, thence in a southeastwardly direction three hundred and thirty feet or thereabouts to a point one hundred feet westward of the prolongation of the northern line of Main Street where the same is intersected by the prolongation of the western line of Prince William Street, thence eastwardly along the prolongation

Preamble.

Authority given to the City Corporation to erect slips, wharves, &c., for Sea-going Steamers.

9. V. c. 29.
3. V. c. 81.

Herein described land, beach and flats vested in the Corporation for the purposes of this Act.

of

Not repealed.

of the northern line of Main Street two hundred and forty feet or thereabouts to the place of beginning, shall be and they are hereby declared to be vested in the Mayor, Aldermen and Commonalty of the City of Saint John, for the uses and purposes of this Act and none other.

Authority to borrow not exceeding £7,500.

3. The said Mayor, Aldermen and Commonalty of the City of Saint John are hereby authorized and empowered, notwithstanding anything in the said recited Acts contained, to borrow such sums of money as may be required for the erecting, constructing and completing the said works and improvements, not exceeding in the whole the sum of seven thousand five hundred pounds, to be paid off and discharged in manner hereinafter provided.

To be taken in loans of not less than £100 each.

4. The said sum of seven thousand five hundred pounds shall be taken in loans of not less than one hundred pounds, and that Debentures in the following form, or to that effect, shall be prepared and delivered to the persons from whom such loans shall be obtained, viz:—

Form of Debentures.

Number City of Saint John.

This certifies that [*money lender*] hath lent to the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of one hundred pounds currency, which sum is payable to him or his order, together with interest at and after the rate of per cent. per annum, pursuant to an Act of Assembly passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act to provide for the erecting and making certain Wharves and improvements in the Harbour of Saint John.*

Dated the day of A. D. 185 .

By Order of the Common Council. (I. S.)

C. D., Common Clerk.

A. B., Mayor.

Which same Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, shall be consecutively numbered according to the times at which the same shall be issued; and a record of the same shall be entered by the Clerk in the Minutes of the said Corporation.

Debentures to be negotiable and bear interest payable half yearly.

5. The said Debentures so to be issued under the provisions of this Act shall be negotiable in the same manner as promissory notes; and the holders thereof shall be entitled to receive interest upon the same semi-annually, at a rate not exceeding six per cent. to be paid by the Chamberlain of the said City out of the funds hereinafter provided.

Wharfage, slippage, &c., receivable and to be accounted for by the Chamberlain.

6. All rents, wharfage, slippage, top-wharfage, dockage, cranage and issues and profits whatever arising from the said wharves, piers, jetties, slips and docks, and other erections and improvements made, laid out or constructed under the provisions of this Act, or issuing out of or derived from the said beach and flats hereinbefore described, or the appurtenances thereof, shall be receivable by and paid to the Chamberlain of the said City by the lessors thereof, or by any persons owing such rents, issues or profits of the said premises described in this section, or by any wharfinger or collector of wharfage, slippage or dockage who may be appointed to receive the same; and the said Chamberlain shall keep a separate account of all sums of money so by him received, distinct from all other moneys in his hands as such Chamberlain, which account shall be by him exhibited and shewn to the holder of any Debenture issued under the provisions of this Act on reasonable demand for that purpose made.

Receipts to be applied in paying the interest and principal of the Debentures.

7. The moneys so received by the said Chamberlain shall be from time to time applied, after discharging the yearly interest due upon the said sums mentioned in the said Debentures, in paying off the said Debentures in due order according to

to their number, beginning with number one; and that the said Chamberlain so often as he shall be desired by the Common Council, shall give one month's notice by advertisement in one of the public newspapers of the said City, for calling in such and so many of the said Debentures as the said Common Council may be prepared to pay off, specifying the number thereof, and the same shall pay off accordingly, and that from and after the expiration of the time appointed by the said notice the interest on such Debentures shall cease.

8. After the amount due upon the Debentures issued under this Act, and all interest due thereon, shall be fully paid and satisfied, all the net rents, issues and profits arising from the said lands hereinbefore described, and all erections thereon, shall be applied in payment of the public debt of the said City of Saint John.

Surplus to be applied to the City debt.

9. The said land, beach and flats hereinbefore described, with all wharves and erections to be built and placed thereon, and their appurtenances, shall be exempt from all taxes, rates and assessments whatever, and shall not in law or equity be liable to or be levied upon or taken in execution and sold for the debts of the Mayor, Aldermen and Commonalty of the City of Saint John, or any person whatever; provided always, that nothing herein contained shall be held or taken to exempt the said lands and improvements thereon from any claims or lien in equity or at law which the holders of the said Debentures issued under this Act may have thereupon, until the payment of all moneys raised by virtue of this Act.

The land, wharves, and other erections exempted from taxation.

10. All moneys loaned to the Corporation under this Act shall be paid by the lenders thereof to the Chamberlain, and shall be paid out by him to the contractors or workmen who shall build the wharves and other erections to be made under this Act, on orders to be made by the Common Council.

Moneys borrowed to be paid to and disbursed by the Chamberlain.

11. And whenever it may become necessary, in order to the full completion of the improvements in the said Harbour contemplated by this Act, to extend Britain Street westwardly to a junction with the said wharves or any of them, the Mayor, Aldermen and Commonalty of the City of Saint John are therefore hereby authorized and empowered to extend Britain Street westwardly, preserving the same breadth, to the said wharves or piers, or any of them; provided always, that the said street shall not be extended through any property without the consent of the owner or owners thereof, or without agreeing with such owner or owners, and paying to him or them the value of the property so required for such extension.

Authority to extend Britain Street westwardly.

12. In case the said Common Council cannot agree with any owner or owners of such property so required, the Mayor of the said City shall issue his Warrant to the Sheriff of the City and County of Saint John, requiring him to summon a jury of twelve disinterested freeholders of the said City, who shall set and appraise the damages sustained by the owner of property so required for the said street on oath, which oath the said Sheriff is hereby authorized to administer; and the said jury shall also inquire and return in their verdict who are the owner or owners to whom such value and damages shall be paid.

In case of disagreement as to lands, &c., damages to be settled by Appraisers.

13. The said Sheriff in holding such inquiry shall be entitled to the same fees and shall have all the powers, jurisdiction and authority vested in him in the executing any writ of inquiry issuing out of the Supreme Court; and the said jury in assessing such damages are authorized to take into consideration the advantages which may accrue to the owner of such land so taken, by the extension of such street, in diminution of such damages, and the amount so assessed shall be returned with the name of the owner or owners of such land so taken.

Fees and power of Sheriff holding inquest.

Advantages to go in diminution of damages.

14. The amount so assessed shall be paid to the owner or owners returned in such verdict, and upon payment thereof by the said Corporation, or upon tender

Damages to be paid or tendered, and work to proceed,

and refusal thereof, the said Corporation shall be fully authorized to extend the said street through such land in the same manner as if the owner had consented thereto.

Expenses of the extension to be paid from moneys raised by this Act.

15. All moneys which may be required for the extension of the said street shall be paid by the Chamberlain of the said City, together with all costs and expenses which may be therein incurred, out of the moneys to be raised by virtue of this Act, by orders of the Common Council upon the Chamberlain.

Assessment authorized to make up any difference between the annual receipts and interest.

16. In case any deficiency shall exist between the net annual income arising from the said wharves and improvements erected and made under this Act, and the annual interest due upon the said Debentures, in any such case it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, and they are hereby required to order an assessment of such sum of money on the eastern side of the Harbour of the said City, as shall amount to and make up such deficiency, and every such assessment shall be assessed, levied and raised agreeably to the several Acts now in force or hereafter to be in force for assessing, levying and raising County, Town or Parish Rates, and when collected shall be paid into the hands of the Chamberlain of the said City, to be applied to the sole purpose of paying off such deficiency of interest; provided that no greater sum than four hundred and sixty pounds, with the costs and charges for levying and collecting the same, shall be levied in any one year under the authority hereby given.

Not repealed

CAP. XII.

13 V. c. 5.

An Act to continue and amend an Act intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John.*

Passed 18th February 1852.

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

13 V. c. 5, s. 11, repealed.

1. The eleventh section of an Act passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John*, is hereby repealed.

Annual assessment of £750 and expenses, authorized to defray the expenses of the Fire Department.

2. The Common Council of the City of Saint John are hereby authorized once in every year, including the present year, before the tenth day of April in each year, to make a rate and assessment upon the said City not exceeding the sum of seven hundred and fifty pounds in any one year, besides the charges for assessing, levying and collecting the same, for the purpose of defraying the necessary expenses of maintaining the Fire Department of the City, and preserving the same in an efficient state; and the said sum shall be assessed, levied, collected and paid in such proportions and in the same manner as any County taxes, rates, charges or expenses can or may be assessed, levied, collected or paid under and by virtue of any Act or Acts which at the time of making such assessments may be in force for assessing, levying and collecting of County rates and taxes, and when collected, shall be paid into the hands of the Chamberlain of the City for the purposes of this Act, and of the said recited Act, and no other use or purpose whatever.

City Chamberlain to keep separate accounts of moneys received and disbursed under this Act.

3. The Chamberlain shall keep a separate and distinct account of all moneys received by him in respect of the said assessment, and shall apply and appropriate the same from time to time upon the orders of the Common Council, and as they shall direct, for the purposes aforesaid, and shall in every year make out a full, complete and detailed account under oath, to be taken before a Justice of the Peace, made up to the thirty first day of December, with vouchers of moneys received

received and paid by him on the said account, and shall, without delay, thereafter file such account and vouchers in the Common Clerk's Office.

4. This Act and the said recited Act, except so far as the same is hereby altered or repealed, shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty. Act 13 V. c. 5, continued.

Not Republished

CAP. XIII.

An Act to authorize the Justices of the Peace for the City and County of Saint John to assess a portion of the inhabitants thereof for a loss sustained by Margaret Griffin, in consequence of a Fire in Portland in September in the year one thousand eight hundred and fifty one.

Passed 18th February 1852.

WHEREAS by the Petition of Margaret Griffin, of the Parish of Portland, County of Saint John, Widow, verified by a number of Magistrates, Firewards and others residing in the said Parish and City of Saint John, the said Margaret Griffin appears to have had her dwelling house and shop, situate in the said Parish, pulled down by public authorities in order to stop the further spread of the fire which happened in September in the year one thousand eight hundred and fifty one, but which was arrested before reaching her said premises, and all further devastation stayed, and it seems reasonable that such loss should be proportioned among such of the neighbouring premises as may have been in danger thereby;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Justices of the Peace for the City and County of Saint John, at any General Sessions of the Peace hereafter to be holden, to issue their Warrant of Assessment directed to the Assessors of Taxes for the said Parish, requiring them to assess such persons, being owners of any houses, stores, warehouses, work shops, mills, foundries, or other buildings, situate in the vicinity of such fire, as to the said Justices may seem just and meet, regard being had in making up such assessment to the relative value of the buildings so to be assessed and the benefit derived to the owners thereof from the pulling down of the house of the said Margaret Griffin, for such sum of money for the reimbursing the said Margaret Griffin for the pulling down and destruction of her said premises hereinbefore mentioned, or such part thereof, together with the expenses of assessing, levying and collecting the same, as they may deem expedient; such assessment to be made by such a rateable proportion on the value of the property of the proprietors as aforesaid, as will produce the sum so ordered to be assessed, and when assessed, the same to be levied, collected and paid over to the said Margaret Griffin and the Assessors and Collectors respectively, in the same manner as any other County rates are collected, levied and paid under and by virtue of any Act or Acts of Assembly made or to be made in this Province; provided always, that nothing in this Act contained shall give power to the said Justices to make an assessment for the purpose aforesaid exceeding in amount the sum of fifty seven pounds, besides the costs and charges of assessing, levying and collecting the same.

Justices in General Sessions authorized to assess certain proprietors for the damage sustained by pulling down M. Griffin's house.

CAP. XIV.

An Act to amend an Act intituled *An Act to provide for laying down of Common Sewers in the City of Saint John.* 14 V. c. 13.

Passed 18th February 1852.

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

Act 14 V. c. 13,
s. 2, in part re-
pealed.

1. So much of the second section of a local Act passed in the fourteenth year of Her present Majesty's Reign, intituled *An Act to provide for laying down of Common Sewers in the City of Saint John*, as provides that no rate or assessment shall be made for any sewer or drain under the provisions of that Act, unless the same shall be not less than five feet high in the clear, and not less than three feet in width in the clear, is hereby repealed.

Drains and Sewers
to be as directed by
the Common
Council.

2. Notwithstanding anything contained in the said second section, all drains and sewers to be laid down under the provisions of the said Act, shall be of such size and dimensions as the Common Council in their discretion may direct.

See N. L. Vol. 1, Page 140

CAP. XV. *Post. Reparatum*

An Act for the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John.

Passed 18th February 1852.

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

Firewards of the
Portland Fire Dis-
trict may appoint
firemen as pre-
scribed by
13 V. c. 30, s. 6;

1. The Firewards of the Portland Fire district as now or hereafter to be defined, may appoint any number of Firemen, not exceeding sixty for each Engine, in the manner directed by the sixth section of the Act of Assembly passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*.

Also a Hook and
Ladder Company,
and may make
regulations for
them;

Also a Fire Police.

Duty of Fire
Police.

Power.

2. The said Firewards may appoint a company of Hook and Ladder men for the said Portland fire district, not exceeding twenty men, who shall be entitled to the same privileges as firemen, and may establish regulations for their guidance and control; and may also nominate suitable persons to form a Fire Police for the said Parish, and submit their names from time to time to the Justices of the Peace in Sessions for confirmation; and on a fire breaking out, the Fire Police shall immediately repair to the place where the fire may be, and protect all property which may be either removed or being removed, to preserve the same from destruction or damage; and for that purpose shall and may, within the Fire District, have full power to enter any house, or on any lands and premises connected therewith, and prevent all depredations thereon, and arrest or remove and convey to the common gaol, or any watch house, or police station, or other place of confinement, any person who may be found committing or attempting to commit any felony or any breach of the peace, or any idle or disorderly person, or any person who shall intermeddle with any such property, or shall refuse when required to assist either in carrying water or obeying any other command of such fire policeman, or other person having authority for the purpose of extinguishing the fire or preserving property; and any one or more of the said fire policemen, taking with him or them a Justice of the Peace for the City and County of Saint John, may enter any dwelling house, store, out-house or erection of any kind, or any yard or other land and premises, and search for goods and chattels or articles of any description, stolen or suspected to have been stolen at or during the continuance of the said fire, or missing in consequence of such fire; and the said goods and chattels or articles to convey or cause to be conveyed to some safe place of deposit, or to leave the said goods with the said Justice or any other Justice, to be dealt with according to law; and the said fire policemen to remain in office during the pleasure of the Justices in Session.

Possession for forty
eight hours, with-
out notice, of goods,
&c., lost at a fire

3. Whenever it shall appear that any person has had in his possession any goods, chattels or articles of any description whatever, which may have been stolen,

stolen, missing, lost or taken away at any fire within the Fire District, or after any fire, and before the same has been restored to the owner, for the space of forty eight hours after the said fire shall cease, without giving notice to the owner thereof, or to a Justice of the Peace, or to a fire policeman, such possession, without notice, shall be deemed *prima facie* evidence that such person has been guilty of larceny, and on conviction thereof shall suffer punishment as in case of larceny.

to be *prima facie* evidence of larceny.

4. Whenever it shall be determined at any fire by a Justice of the Peace for the City and County of Saint John, with any Fireward, to be necessary to pull down or otherwise demolish any building to stop the progress of any fire, the same may be done by their joint order; and all persons present, if required by the said Justice or Fireward, shall be aiding and assisting thereat.

Joint order for pulling down any building may be made by a Justice and Fireward.

Not Republished

CAP. XVI.

An Act to provide for the erection of a Building for a Registry Office in the City and County of Saint John.

Passed 18th February 1852.

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

1. The Justices of the Peace of the City and County of Saint John, at any General Sessions, or any Special Sessions for such purpose to be called, shall by themselves or by any Committee for that purpose appointed, provide, and if necessary, contract and agree with any person or persons for the purchase of a lot or piece of land in the City of Saint John, and for the erection of a suitable Building of stone or brick thereon, with a proper safe, and the same shall be used for the keeping and preserving the Records, Books and Papers of the Registry Office of the said City and County; and any contract for this purpose may be entered into by the name of "The Justices of the Peace for the City and County of Saint John," and may be enforced by the said Justices at law or equity by the name aforesaid.

Justices in General Sessions may purchase land and erect a building for the registry of Deeds.

2. For the purpose of defraying the charges and expences of the same, the Justices at the same or any other General Sessions or Special Sessions to be called for that purpose, may order or direct from time to time a sum or sums of money to be borrowed, not exceeding eleven hundred pounds, to be paid and discharged in the manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds each, the interest to be paid semi-annually, namely, on the first days of January and July in each year, and that Debentures in the following form, or to the same effect, shall be prepared and delivered to the persons from whom such loan may be obtained, namely:—

Authority given to borrow on interest £1,100.

Number Registry Office Debenture.
City and County of Saint John, to wit:

Form of Debentures.

These are to certify that [*here insert the name, residence and addition of lender*] hath lent and advanced to the Justices of the Peace for the said City and County, the sum of . . . pounds currency, which sum is payable to him or his order, together with lawful interest, the interest to be paid half yearly on the first days of January and July in each and every year, pursuant to an Act of Assembly passed in the fifteenth year of the Reign of Her Majesty Queen Victoria, intituled *An Act to provide for the erection of a Building for a Registry Office in the City and County of Saint John.*

Dated the . . . day of A. D. 185 . . .

By Order of the Sessions.

G. W., Clerk of the Peace.

A. B., Mayor or Recorder.

Which

To be negotiable
and bear interest.

Which same Debentures shall be signed by the Mayor of the City, or in his absence, by the Recorder, and countersigned by the Clerk of the Peace, and shall be respectively and consecutively numbered according to the time at which the same may be made and signed, and a memorandum thereof shall be duly entered by the Clerk in the minutes of the Court; and the same shall be negotiable as promissory notes, and be entitled to draw interest thereon half yearly on the first days of January and July in each and every year, and shall be paid out of the assessment hereinafter mentioned.

Assessments to be
made to pay off the
principal and
interest.

3. The Justices in General Sessions shall make a rate or assessment of a sum not exceeding two hundred pounds the present year, and of a like sum in each succeeding year, besides the charges for assessing and collecting, for the purpose of discharging the interest due on the said loans, and so much of the principal as the residue of such annual sum will amount to, until the same shall be paid off; the same to be assessed, levied, collected and paid in such proportion and in the same manner as any other County Rates for public charges, by virtue of any Act or Acts made or to be made for that purpose.

Proceeds of Assess-
ments to be paid to
and disbursed by
the County Treas-
urer.

4. The money so to be assessed as aforesaid, shall be paid to the County Treasurer, and shall be applied by him, on the orders of the said Justices in Session, towards discharging the interest due on the said Debentures, and to the payment of the principal sums in due order according to the numbers, beginning with the number one, on one calendar month's notice by advertisement in one of the City newspapers, calling in such and so many of the said Debentures as he may by the said order be directed to pay off, after the expiration of which notice all interest thereon shall cease.

Treasurer's com-
pensation.

5. The County Treasurer shall be entitled to one per cent. for his services in receiving and paying the said money to be assessed under this Act, and no more.

Act 9 V. c. 28,
repealed.

6. The Act passed in the ninth year of Her present Majesty's Reign, intituled *An Act to provide for the safe keeping of the Public Records of the City and County of Saint John*, be and the same is hereby repealed.

See A. Law Vol 1, Page

CAP. XVII. *Not Repealed.*

An Act to erect another Parish in the City of Saint John for Ecclesiastical purposes.

Passed 18th February 1852.

Preamble.

‘ **W**HEREAS the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, at the request of many Members of the Church of England in the said Parish, have petitioned that that part of the said Parish which lies to the southward of the centre of Queen Street should, for all Ecclesiastical purposes, be set off as a separate and distinct Parish, in order that a separate Rectory or Mission may be there appointed, and the Chapel there lately erected by the said Rector, Church Wardens and Vestry of Trinity Church, become the Parish Church of the said separate Parish: And whereas it appears expedient and proper, as well from the increase of the population as from divers other good causes and considerations, that the prayer of the said Petitioners should be complied with;’

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

Parish of Saint
James erected for
Ecclesiastical pur-
poses, and Rector,
Church Wardens
and Vestry of Saint
James Church
incorporated.

1. From and after Easter Day, being the eleventh day of April in this present year, that part of the said Parish of Saint John which lies to the southward of a line running east and west through the centre of Queen Street in the said City, and of the easterly and westerly prolongation of such line through Queen's Square

Square to the boundary lines of the said City, shall be and the same is hereby declared to be, from and after Easter Day aforesaid, a separate and distinct Parish within the said City for all matters and purposes Ecclesiastical, or relating to the Established Church of England, by the name of "The Parish of Saint James, in the City of Saint John;" and that the Church or Chapel lately erected by the said Rector, Church Wardens and Vestry of Trinity Church, situate on lands lying between Main Street and Sheffield Street, and called and known by the name of "Saint James Church," shall be deemed and taken to be the Parish Church of the said Parish of Saint James; and the Church Wardens and Vestry of the said Parish of Saint James, so soon as they may be duly elected and chosen, together with the Rector for the time being of the said Parish of Saint James, and their respective successors forever, shall be a Body Politic and Corporate in deed and in name, and shall have succession forever by the name of *The Rector, Church Wardens and Vestry of Saint James Church, in the Parish of James, in the City of Saint John.*

2. The Rector, Church Wardens and Vestry of Saint James Church, in the Parish of Saint James aforesaid, shall and may, from Easter Day aforesaid, and forever thereafter, stand seized of, have, hold, possess and enjoy the several lots, pieces and parcels of land and premises situate in Main and Sheffield Streets aforesaid, now belonging to the said Rector, Church Wardens and Vestry of Trinity Church, together with the said Church or Chapel thereon standing, and being and known or called as "Saint James Church" as aforesaid, together with all and singular the rights, members, privileges and appurtenances to the same, and every part and parcel thereof belonging, or in anywise appertaining, as fully and effectually, and in like manner, and to all intents and purposes, as the Rector, Church Wardens and Vestry of Trinity Church might or could have held and enjoyed the same before the passing of this Act.

Certain properties on Main and Sheffield Streets conveyed to the Corporation.

3. Two Church Wardens, and not more than twelve Vestrymen, for the said Parish of Saint James, shall be elected and chosen by ballot on Easter Monday in each and every year, who shall continue in office until others shall be chosen in their stead.

Church Wardens and Vestrymen to be annually chosen.

4. Male inhabitants of the City of Saint John, of the age of twenty one years and upwards, who shall be owners of Pews in the said Parish Church, and no others, shall be entitled to vote in the choice of, and also shall be qualified and capable to be elected Church Wardens and Vestrymen of the said Parish of Saint James; provided that no person shall be eligible as a Church Warden or a Vestryman, unless he shall be a Member of the Church of England, and shall have been for at least six months previous a stated hearer and attendant at the public worship of the same; and provided also, that the ownership of a Pew in the said Parish Church shall not entitle more than one person to vote in respect of such Pew at any election.

Qualification of Church Wardens and Vestrymen and Voters.

5. The power and authority granted to a Church Corporation by any Law in force in this Province, and all and every the clauses, enactments and provisions of an Act made and passed in the twenty ninth year of the Reign of King George the Third, intituled *An Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England in the several Parishes in this Province*, and of all other Acts relating to such Corporations, and to the elections of Church Wardens and Vestrymen, now in force in the said Parish of Saint John, shall extend and be construed to extend to the said Parish of Saint James, erected by this Act, as fully and effectually as if such power and authority were herein specially granted, or such clauses,

Powers granted to a Church Corporation, and all the provisions of Act 29 G. 3, c. 1, extended to Parish of Saint James.

{ enactments

enactments and provisions were herein particularly enacted, except so far as such clauses, enactments and provisions may be inconsistent with the provisions of this Act.

Not repealed

CAP. XVIII.

An Act relating to the Public Wharves in the Parish of Portland in the County of Saint John.
Passed 18th February 1852.

Preamble.

WHEREAS the great increase of business and travelling has rendered it necessary that all the Public Wharves in the Parish of Portland should be laid out and established as Public Highways, and recorded as such, and thereby power given to the Commissioners of Highways for the time being to keep such Public Wharves free from obstructions;

Commissioners of Highways to have the same authority over Wharves as over Public Highways.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Commissioners of Highways for the time being, in and for the Parish of Portland, to lay out, record and establish all Public Wharves and the Approaches thereto in the said Parish, as Public Wharves and Approaches, and to keep them at all times free from obstructions, and shall have the same power and authority in respect thereof as is by Law vested in them in respect of any other Public Highway; provided always, that such Wharves and Approaches shall not be of a less width than twenty feet, any Law to the contrary notwithstanding.

Not repealed but see which precedes for the Commission of this & all other Acts of the same object

CAP. XIX. *P. Laws Vol. 1. Page 238*

An Act to repeal the several Acts providing for the more efficient inspection of Flour and Meal, so far as the same relate to the County of Charlotte.
Passed 18th February 1852.

8. V. c. 7.
9. V. c. 66.

13 V. c. 28, repealed, so far as they relate to the County of Charlotte.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the more efficient inspection of Flour and Meal*; also an Act made and passed in the ninth year of the same Reign, intituled *An Act to alter and amend an Act for the more efficient inspection of Flour and Meal*; and also an Act made and passed in the thirteenth year of the same Reign, intituled *An Act to continue the several Acts providing for the more efficient inspection of Flour and Meal*, so far as the same relate to the County of Charlotte, be and the same are hereby repealed.

See 17 V. c. 7.

CAP. XX.

An Act to incorporate the Saint Patrick Central Agricultural Society.
Passed 18th February 1852.

Preamble.

WHEREAS Henry Brye, Robert Atcheson, George M'Kay, Archibald M'Callum, James Brown, Charles Carson, Matthew Stevenson, the Reverend John S. Thomson, the Reverend William Millan, Nehemiah Hill, Peter M'Callum, Robert Cockburn, Henry M'Farlane, Richard Turner, Jeremiah Hanson, George F. Campbell, and other inhabitants of the Parish of Saint Patrick, in the County of Charlotte, have formed themselves into a Society for the promotion of the Science of Agriculture in the said County, and it would be more beneficial to the interests of the Society, and enable them more effectually to carry out the intentions and promote the objects thereof, if the said Society were incorporated;

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

1. Henry Fryc, Robert Atcheson, George M'Kay, Archibald M'Callum, James Brown, Charles Carson, Matthew Stevenson, the Reverend John S. Thomson, the Reverend William Millan, Nehemiah Hill, Peter M'Callum, Robert Cockburn, Henry M'Farlane, Richard Turner, Jeremiah Hanson, George F. Campbell, and all such persons as may now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of *The Saint Patrick Central Agricultural Society*, for the purpose of promoting and encouraging agriculture, rural and domestic economy and industry within the said County, and shall have and enjoy all general powers incident to Corporations by Act of Assembly of this Province.

Society incorporated.

2. There shall be a general meeting of the said Society or Corporation to be annually holden on the third Tuesday in November in each and every year, at the School House near the Farm of George F. Campbell, Esquire, in the said Parish of Saint Patrick, at which annual meeting there shall be chosen, by a majority thereof, one President, two Vice Presidents, a Treasurer, a Secretary, and nine Committee men, who shall continue in office for one year, or until others are chosen in their stead, in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid offices.

An annual general meeting to be held on third Tuesday in November, when Officers are to be chosen.

3. 'Whereas at a general meeting of the members of the said Society hereby incorporated, held at the School House aforesaid in the County aforesaid, one President, two Vice Presidents, a Treasurer, Secretary and nine Committee men were elected by the votes of the said members, for the current year;' the said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the third Tuesday in November next, or until others be chosen in their stead.

Officers already elected continued in Office.

See 17th Feb.
CAP. XXI.

An Act to incorporate the Westmorland Agricultural and Emigrant Society.

Passed 18th February 1852.

WHEREAS the Honorable William Crane, the Honorable A. E. Botsford, Charles Dixon, Joseph F. Allison, James Dixon, George Oulton, Martin Trueman, John Tingly, S. F. Black, Edward Anderson, Thomas Carter, Charles Cahil, Nathan Lawrence, James Anderson, William Hewson, and others, inhabitants and proprietors of land in the Parishes of Sackville and Westmorland, in the County of Westmorland, have formed themselves into a Society for the promotion and advancement of the Science of Agriculture: And whereas it would promote the interests of the said Society, and enable it more effectually to carry out the objects thereof, if the Society were incorporated;

Preamble.

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

1. The Honorable William Crane, the Honorable A. E. Botsford, Charles Dixon, Joseph F. Allison, James Dixon, George Oulton, Martin Trueman, John Tingly, S. F. Black, Edward Anderson, Thomas Carter, Charles Cahil, Nathan Lawrence, James Anderson, William Hewson, and all other persons who are now or may be admitted members of the said Society, their associates and successors, are hereby erected into a Body Corporate, under the name and style of *The Westmorland Agricultural and Emigrant Society*, for the purpose of promoting and encouraging agriculture, domestic manufactures and industry, and for these purposes shall have and enjoy all the general powers made incident to Corporations by Acts of Assembly of this Province.

Society incorporated.

Officers to be chosen at an annual meeting to be held on last Tuesday in December.

2. There shall be a general meeting of the said Corporation to be annually holden on the last Tuesday in December in each and every year at Sackville, in the County of Westmorland, at which annual meetings there shall be chosen, by a majority of the members present, duly constituted as such, in accordance with the bye laws of the said Society, a President, Vice President, Secretary, Treasurer, and five Directors, who shall continue in office for one year, or until others are chosen in their room, in the choice of which each member shall have one vote for each of the aforesaid officers.

Officers already chosen continued in office.

3. The President, Vice President, Secretary, Treasurer, and five Directors, chosen at a general meeting of the members of the Society hereby incorporated, held at Sackville aforesaid, on the last Tuesday in December last, are hereby declared to be officers of the said Corporation until the last Tuesday in December next, or until others be chosen in their stead.

See 17 Feb 1852

CAP. XXII.

An Act to incorporate the Wellington and Dundas, County of Kent, Agricultural Society.

Passed 18th February 1852.

Preamble.

WHEREAS certain Farmers and other Inhabitants of the Parishes of Wellington and Dundas, in the County of Kent, have formed themselves into a Society for the encouragement of Agriculture in the said County, and they are desirous of being incorporated, to enable them more effectually to carry out the objects of the said Society;

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

Society incorporated.

1. That James M'Phelim, Albert B. Smith, John Bowser, John Coates, Horatio B. Smith, Dominick Robisheau, and Nehemiah Beckwith, their associates and successors, be and they are hereby declared to be a Body Corporate, under the name and style of *The Wellington and Dundas, County of Kent, Agricultural Society*, for the encouragement of agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by Act of Assembly of this Province.

Officers to be chosen at annual meeting to be held on second Tuesday in December.

2. There shall be a general meeting of the said Corporation annually holden on the second Tuesday in December in each and every year at Buctouche, in the said County, at which meeting there shall be chosen, by a majority of the members, one President, two Vice Presidents, one Treasurer, two Secretaries, and twelve Directors, who shall continue in office one year, or until others are chosen in their stead, in the choice of which each member of the Corporation shall have one vote for each of the aforesaid officers.

Officers already elected continued in office.

3. The officers chosen at a general meeting of the said Society holden at Buctouche aforesaid, on the second Tuesday in December last, be and they are hereby declared to be the officers of the said Society until the second Tuesday in December next, or until others are chosen in their stead.

See 17 Feb 1852

CAP. XXIII.

An Act to incorporate the Victoria County Agricultural Society.

Passed 18th February 1852.

Preamble.

WHEREAS Leonard R. Coombes, John Emerson, Henry Baird, Michael Curran, William T. Wilmot, William Clifford, A. W. Raymond, A. B. Hammond, Simond Ballard, Patrick Martin, Benjamin Beveridge, Joseph Cire, Abraham L. Coombes, and others, inhabitants of the County of Victoria, did in the year one thousand eight hundred and forty nine, form themselves into

' into a Society for the promotion of Agriculture in the said County, which said
' Society has been ever since in active and useful operation: And whereas the
' said Society, from not being incorporated, is subject to many inconveniences,
' and has in consequence thereof been found unable, in many instances, effectually
' to carry out the intentions and promote the objects of the said Society;'

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

1. Leonard R. Coombes, John Emerson, Henry Baird, Michael Curran, William T. Wilmot, William Clifford, A. W. Raymond, A. B. Hammond, Simon Ballard, Patrick Martin, Benjamin Beveridge, Joseph Cire, Abraham L. Coombes, and all other such persons as are now or may hereafter be admitted members of the said Society, their associates and successors, are hereby erected into a Body Corporate, under the name and style of *The Victoria County Agricultural Society*, for the purpose of promoting and encouraging agriculture, and rural and domestic economy and industry within the said County, and for that purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly in this Province.

Society incorporated.

2. There shall be a general meeting of the members of the said Corporation to be annually holden on the third Monday in December in each and every year at the Grand Falls, in the said County, at which annual meeting there shall be chosen, by a majority thereof, one President, three Vice Presidents, a Treasurer and Secretary, who shall continue in office for one year, or until others are chosen in their room, in the choice of which each member of the said Corporation shall have one vote for each of the aforesaid officers; and every member may vote by proxy, provided such proxy produce a sufficient authority in writing from his constituent or constituents.

Officers to be appointed at annual meetings to be held on third Monday in December.

3. 'Whereas at a general meeting of the members of the said Society hereby incorporated, held at the Grand Falls, in the County of Victoria aforesaid, one President, three Vice Presidents, a Treasurer and Secretary, were elected by the votes of the said members, for the current year; Be it therefore enacted, that the said officers so elected shall be and they are hereby declared the officers of the said Corporation until the third Monday in December next, or until others are chosen in their stead.

Officers already elected continued in office.

CAP. XXIV.

An Act to incorporate the Kingston (Kent) Agricultural Society.

Passed 18th February 1852.

' WHEREAS certain Farmers and other Inhabitants of the County of Kent,
' did in the year one thousand eight hundred and fifty one, form
' themselves into a Society for the encouragement of Agriculture in the said
' County, and they are desirous of being incorporated, to enable them more
' effectually to carry out the objects of the said Society;'

Preamble.

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

1. That John W. Holderness, John Carruthers, John Brait, Louis Carvell, Daniel M'Auley, Alexander Girvan, William Brait, John Power, James Hutchinson, Robert Lawson, William Fitzgerald, Thomas Jardine, Samuel Girvan, James Hannay, David M'Almon, Thomas Johnson, Thomas Cale, Edward Walker, Junior, Hector M'Donnell, and James Thonot, their associates and successors, be and they are hereby declared to be a Body Corporate, under the name and style of *The Kingston (Kent) Agricultural Society*, for the encouragement of Agriculture,

Society incorporated.

Agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by an Act of the General Assembly of this Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to prescribe certain general regulations in respect to Corporations.*

Officers to be elected at annual meetings on first Saturday in January.

2. There shall be a general meeting of the said Corporation annually holden on the first Saturday in January in each and every year, at Kingston, in the said County, at which meeting there shall be chosen, by a majority of the members, one President, one Vice President, one Treasurer, two Secretaries, and twelve Directors, who shall continue in office one year, or until others are chosen in their room, in the choice of which each member of the Corporation shall have one vote for each of the aforesaid officers.

Officers already elected continued in office.

3. The officers chosen at a general meeting of the said Society holden at Kingston aforesaid, on the first Saturday in January last, be and they hereby are declared to be the officers of the said Society or Corporation until the first Saturday in January next, or until others are chosen in their stead.

CAP. XXV.

An Act to incorporate the Upham Wool Manufacturing Company.

Passed 18th February 1852.

Not repealed

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

Company incorporated.

1. That Joshua Upham, Samuel Foster, John Jordan, James Titus, William Titus, John Titus, Richard Titus, Alexander Kilpatrick, James Colter, Henry Fowler, William Barnes, Isaac A. Dodge, Joseph A. Fowler, and Ammon Fowler, their associates, successors and assigns, shall be and are hereby erected into a Company, and declared to be a Body Corporate, by the name of *The Upham Wool Manufacturing Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of manufacturing various kinds of Cloths wholly or in part of Wool.

First meeting of Corporation to be held in Upham on thirty days notice.

2. The first meeting of the said Corporation shall and may be held at the most convenient place in the Parish of Upham, in King's County, and shall and may be called by Joshua Upham, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by publishing notice thereof for thirty days in some newspaper published in the City of Saint John, and by posting printed or written notices specifying the time and place of such meeting, and the purpose for which it is to be held, thirty days previous to such meeting, in three of the most public places in the Parish of Upham; at which meeting, or at any subsequent meeting to be for that purpose holden, the members and stockholders of the said Company shall elect seven Directors, who shall serve until the first annual meeting for the choice of Directors, and until other persons are elected in their room, and shall have full power and authority to manage the concerns of the said Corporation, and shall commence the operation thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

Directors to be chosen.

Annual meeting for choosing Directors.

3. There shall be a general meeting of the stockholders and members of the said Corporation to be annually holden in the Parish of Upham aforesaid, at such time as by the laws and regulations of the said Company may be appointed, at which annual meeting there shall be chosen seven Directors, being members and stockholders of and in the said Company to such an extent as by the laws and regulations

regulations of the said Company may be required, who shall continue in office for one year or until others are chosen in their room, and the Directors when chosen shall at their first meeting after their election choose one of their number to be the President of the said Company.

4. Every person owning a share in the capital stock of the said Company shall be a member thereof, and be entitled to vote at all meetings of the same, and absent members may vote by proxy, such proxy being a stockholder and authorized in writing.

Shareholders may vote by proxy.

5. In case of any vacancy among the Directors by death, resignation or absence from the Province, or in case any Director shall disqualify himself by the sale, disposal or transfer of his shares, or any of them, so as to reduce his interest in the said Corporation to less than the number of shares required for the qualification of a Director, then and in either of such cases the remaining Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen shall serve as a Director until another be chosen in his room.

Directorships vacant from specified causes may be filled up by the remaining Directors.

6. The capital or stock of the said Corporation shall consist of the sum of two thousand pounds, to be paid in such money as shall at the time of the several payments be a legal tender in this Province, the whole to be divided into four hundred shares of five pounds each, and twenty per cent. of the said capital stock to be paid in before the said Corporation shall be entitled to purchase property, real or personal, or incur any debts, and the remainder of the said stock to be paid at such time and times and in such parts or portions as the Directors for the time being shall from time to time think necessary, but no such payment shall be exacted from the stockholders until thirty days previous notice thereof shall have been given, in the same manner as is by the second section directed to be given previous to the first general meeting of the members or stockholders to choose the Directors.

Capital to be £2000, payable as herein specified.

7. Every member of the said Company shall have a certificate under the seal of the said Corporation, and signed by the President and Secretary, certifying his property in such share as shall be expressed in the said certificate, and the shares in the said stock shall be assignable and transferable, but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered or registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share be transferable; whenever any stockholder shall transfer all his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

Transferable certificates of stock to be granted.

8. As soon as the capital stock of two thousand pounds shall have been all paid in and expended for the purposes intended by this Act, it shall and may be lawful for the stockholders, at any general meeting to be for that purpose called, to increase the said capital stock from time to time in such sum as they may deem expedient, to a sum not exceeding five thousand pounds, and they shall have power from time to time to increase the number of shares accordingly, or from time to time to assess such increase on the original number of shares, or to increase the capital by both assessment upon and increase of shares.

Capital stock may be increased.

9. The said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be necessary for carrying on the business of the said Company; and whenever any assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed and published in this Province, and by posting three or more written or printed notices in the most public

Shares may be assessed to carry on the business.

Treasurer to give notice.

Delinquent shares
may be sold.

public places in the Parish of Upham, which notices shall specify the amount to be paid on each share, and the time and place of payment, which notice shall be so given thirty days previous to the day on which the payment is to be made; and if any shareholder shall neglect or refuse to pay such sum as may lawfully be required of him, after such notice as aforesaid, it shall be the duty of the Treasurer of the said Company to advertise such delinquent's share or shares to be sold by public auction, after thirty days notice given in the same manner as is hereinbefore provided, specifying the number of shares to be sold, and the terms of payment that will be required; and if the said delinquent shall not before the day of sale pay all the money so demanded of him as aforesaid, together with the expenses of advertising, all the shares of such delinquent shall be sold to the highest bidder; and after retaining the amount due, including interest and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of a majority of the stockholders.

Shareholders to be
liable for assess-
ments to the
amount of their
stock.

10. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or carrying on the operations for which the said Company is incorporated, and shall and may be sued for the same by the said Corporation, and the same may be recovered in any Court of Record within the Province; and in order to recover the same, it shall only be necessary to declare that the party is indebted to the Company for one or more calls, as the case may be, and proved at the trial that he is a holder of stock, the call made, and notice given according to this Act.

Statement of affairs
to be exhibited at
the general meeting
of the Company.

11. A statement of the affairs and amount of property of the said Company shall be made and exhibited at the general meeting of the said Company in every year, showing the amount assessed and paid in by the proprietors of shares, and the amount and value (as near as may be) of the funds and property of the said Company, and the amount of debts due from such Company; which statement shall be certified as correct by the President, Secretary and Treasurer of the said Company, under oath, each swearing to the best of his knowledge and belief respectively.

Number of shares
to be held by one
person during first
three months
limited.

12. In selling stock or shares in the said Corporation, no one person shall be permitted to purchase or hold more than fifty shares until three months after the first general meeting of the members or stockholders, and then if the whole of four hundred shares are not subscribed for, it shall and may be lawful for the said Company or the Directors to sell or dispose of the remaining shares to any person or persons that may choose to subscribe and pay, as may be required for the same.

Liability for the
Company debts.

13. The joint stock and property of the Company shall alone in the first instance be responsible for the debts and engagements of the said Company, and no creditors, or person or persons having any demands against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate shareholders on account thereof, except in case of deficiency, or where the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due or demand against the same; then and in such case the goods and chattels, lands and tenements of each shareholder, shall and may be levied upon and seized respectively to satisfy such debt or demand, to the extent of such amount as shall be equal to the share or shares

or

or interest of such shareholder in the joint stock of the said Company, but no more; and such amount, or so much as may be necessary to satisfy such debt, due or demand, may be levied by process of execution in the same suit in which such debt, due or demand may be recovered against the said Company.

14. Unless twenty per centum of the capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment made and verified on oath by the Directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the Office of the Secretary of the Province before the expiration of two years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said two years.

Act to be void if certificate of twenty per cent. of capital being paid in be not lodged in the Provincial Secretary's Office within two years.

Not repealed
CAP. XXVI.

An Act to amend the Act to incorporate the Fredericton Gas Light Company.

Passed 18th February 1852.

WHEREAS the time prescribed by the fourth section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Fredericton Gas Light Company*, for holding the annual meeting of the said Corporation has been found inconvenient, and it is deemed advisable to amend the said Act in that respect;

Preamble.

Private Act, 13 V. c. 3.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the fourth section of the said recited Act to incorporate the Fredericton Gas Light Company as provides for the holding of the annual meeting, be and the same is hereby repealed, and in lieu thereof the annual general meeting of the said Corporation shall be holden at such time as the stockholders of the said Corporation shall by bye law from time to time prescribe, anything in the said Act to the contrary notwithstanding.

Private Act, 13 V. c. 3, s. 4, in part repealed.

Time for annual general meeting to be prescribed by bye law.

Not repealed
CAP. XXVII.

An Act to amend an Act intituled *An Act to incorporate the Northumberland Straits Fishing Company*.

Passed 18th February 1852.

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

1. The Corporation established and organized under and by virtue of an Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Northumberland Straits Fishing Company*, shall have power and authority to establish and carry on a Fishery on the Bay of Fundy, and on the other shores or rivers of this Province.

Corporation established by Act 14 V. c. 14, may carry on a Fishery.

2. The said Northumberland Straits Fishing Company shall and may commence and carry on their operations when and as soon as two hundred shares of the stock of such Corporation shall be taken and subscribed, instead of four hundred as mentioned in the third section of the hereinbefore recited Act.

Reduction of number of shares to be subscribed before operation be commenced.

3. The President and Directors of the said Company may from time to time assess upon each share such sum or sums of money as they may think necessary for the purposes of the said Company, in manner prescribed by the tenth section of the said Act, not exceeding the amount of ten pounds for each share in the whole of such instalments.

Authority to assess shares.

4. The President of the said Company may be elected from any of the Directors of the said Company, whether resident in this country or in Great Britain,

The President may be elected from the Directors resident in this Province or in Great Britain.

Britain, and at all meetings of Directors at which he shall not be present, one other Director shall be chosen Chairman, and the acts of such meeting shall be as valid and effectual as if the President had been then present and acted as Chairman.

Stat. R. Laws, Vol. 1. Page 484.
Repealed

CAP. XXVIII.

An Act to consolidate and amend the Laws relating to the collection and protection of the Revenue of this Province.

Passed 30th March 1852.

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

MANAGEMENT.

Provincial Treasurer to have the superintendence of the Treasury Department and collection of Duties throughout the Province.

1. The Treasurer of the Province for the time being shall have the superintendence and management of the Treasury Department throughout the whole of the said Province, and the charge of the collection of any Duties which may be imposed by any Act or Acts for raising a Revenue within the said Province, subject to the authority, direction and control of the Lieutenant Governor; and such Treasurer shall enter into good and sufficient security by Bond to Her Majesty, Her Heirs and Successors, with at least two sureties, in a sum not less than ten thousand pounds, conditioned for the faithful discharge of the duties required of him.

OFFICERS.

Appointment of Deputy Treasurers.

Security to be given.

2. It shall and may be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, in ports or places where a Deputy Treasurer may be required for the due enforcement of this Act, to appoint fit persons to be Deputy Treasurers in such ports or places; which persons so appointed shall give good and sufficient security by Bond to Her Majesty for the faithful discharge of their duties respectively, that is to say, the Deputy Treasurers at Saint Andrews and Miramichi respectively, in a sum not less than four thousand pounds; the Deputy Treasurer at Dalhousie, in a sum not less than three thousand pounds; the Deputy Treasurers at Richibucto and Bathurst respectively, in a sum not less than two thousand pounds; the Deputy Treasurer at West Isles, in a sum not less than one thousand pounds; and all other Deputy Treasurers, in a sum not less than five hundred pounds, or in such other sum as the Lieutenant Governor in Council shall direct; and all such Bonds shall be executed by at least two good and sufficient sureties, to be approved of by the Lieutenant Governor in Council, and shall be taken in the name of Her Majesty, Her Heirs and Successors; and the Deputy Treasurers now in office, and all those who may hereafter be appointed, shall be accountable to the Treasurer of the Province for all sums of money received by them under and by virtue of this Act, and when thereunto required, shall pay or remit the same in such manner as the said Treasurer may direct; and the Treasurer and Deputy Treasurers respectively, shall annually on the thirtieth day of November close the Accounts for the year; and the Deputy Treasurers respectively, shall forward to the Treasurer on or before the tenth day of December in each year their said Accounts, duly attested with all necessary vouchers.

Time for rendering Accounts.

Treasurer to report to the Auditor overcharges, &c., in the Deputies' Accounts.

3. From and after the passing of this Act it shall be the duty of the Treasurer of the Province forthwith, or as soon as practicable after the annual returns of the respective Deputy Treasurers are made in pursuance of the provisions of this Act, to point out and bring under the notice of the Provincial Auditor any overcharges of commission, or any other overcharges, omissions or errors which may appear in the Account or Accounts of any such Deputy or Deputies.

4. The Treasurer of the Province shall and he is hereby required to procure and furnish each and every Deputy Treasurer with such Account Books as he may deem necessary for a Treasury Office; in which books are to be entered all matters relating to the Treasury Department respectively, in conformity with such system as the said Treasurer may adopt and require; and the said Treasurer shall also procure and furnish each and every Deputy Treasurer with a sufficient number of printed forms for the purpose of making out their Accounts and Returns, together with such other printed forms appertaining to their said offices as he may deem fit; and on such Account Books and printed forms being furnished to the respective Deputy Treasurers, it shall be their duty, and they and each of them are hereby required to make their entries in such Account Books accordingly, and make all necessary returns strictly in conformity with such forms as the said Treasurer may provide and direct; and such books shall be deemed and taken to be the public record of all transactions relating to each Treasury Department.

Account Books to be furnished to and used by the Deputy Treasurers.

5. From and after the time appointed for this Act to go into operation, it shall and may be lawful to and for the several and respective Deputy Treasurers to retain for their services from and after the termination of the last fiscal year, ten per centum upon all Duties collected by them respectively, under and by virtue of any law or laws of this Province; provided always, that no Deputy Treasurer shall be authorized to retain for his services in any one year a larger sum than two hundred pounds.

Compensation to Deputy Treasurers.

6. The salary of the Provincial Treasurer shall be five hundred pounds per annum and no more.

Provincial Treasurer.

7. It shall and may be lawful for the said Treasurer, in case of sickness or necessary absence from the City and County of Saint John, to appoint a fit person to act as his Deputy there, for whose acts the said Treasurer and his sureties shall be responsible; which Deputy, during his continuance in office, shall have the same power and authority in every respect as the Treasurer hath by virtue of this Act when personally executing the duties of his office, but shall not receive any compensation or allowance from the public Treasury for his services except his proportion of the proceeds of any seizures he may make, or of any penalties and forfeitures which may be incurred by this Act during his continuance in office as aforesaid.

Deputy at Saint John.

Compensation.

8. The Tide Surveyors and Waiters and all other Revenue Officers who may be appointed by the Lieutenant Governor for any port or place within the Province, shall in all respects be under the orders, directions and control of the Treasurer and Deputy Treasurer respectively for the places where such officers may be appointed; and the said Tide Surveyors and Waiters and other Revenue Officers shall attend to the unloading of ships, vessels, sleds, sleighs, wagons, carriages or other vehicles with dutiable articles, and shall not allow any such dutiable articles to be landed from any ship, vessel, sled, sleigh, wagon, carriage or other vehicle arriving at any port or coming into any place for which they are respectively appointed, without a permit from the Treasurer, Deputy Treasurer, or other authorized officer, as the case may be; and if any Tide Surveyor, Waiter or other Revenue Officer attending the unloading of any ship, vessel, sled, sleigh, wagon, carriage or other vehicle with dutiable articles on board or therein, shall discover any articles on board or therein which have not been duly entered by the master of such ship or vessel, or by the driver or owner of such sled, sleigh, wagon, carriage or other vehicle as aforesaid, in his report of the cargo on board of such ship or vessel, sled, sleigh, wagon, carriage or other vehicle, or

Revenue Officers to be under the control of the Treasurer and the Deputies.

Their duties at unloading.

Discovery of unentered articles.

in the entry of the owner or consignee of such articles, or if any such articles shall be by such officer found to be landed or unladen from such ship or vessel, sled, sleigh, wagon, carriage or other vehicle, or otherwise imported contrary to the provisions of this Act, in all and every such case such articles shall be forfeited, and it shall be the duty of such Tide Surveyors and Waiters and other Officers respectively, and they are hereby required forthwith to seize and take possession of such articles, and secure the same, and make report to the Treasurer or Deputy Treasurer at or nearest the port or place where such detention shall take place; and the said Treasurer or Deputy Treasurer shall immediately proceed against the same according to the provisions of this Act.

By whom articles
liable to forfeiture
may be seized.

9. All goods and all ships, vessels and boats, and all carriages and cattle, and all other articles liable to forfeiture under any Act relating to the Provincial Revenue, shall and may be seized and secured by any officer of the Provincial Revenue, or by any person employed for that purpose by or with the concurrence of the Provincial Treasurer, or any Deputy Treasurer, whether previously or subsequently expressed; and also by any Sheriff of any County or District within this Province, or by any of Her Majesty's Justices of the Peace, or by any person who, in any place distant more than ten miles from any office of a Treasurer or Deputy Treasurer, shall by Warrant of any Justice of the Peace, granted upon information made on oath before him of any such forfeiture, be appointed to seize and secure any boats, carriages or cattle, or any goods or merchandise liable to forfeiture as aforesaid; and every person who shall in any way hinder, oppose, molest or obstruct any officer of the Provincial Revenue, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, or any such Sheriff, Deputy Sheriff, Justice of the Peace, or other person appointed by any Justice of the Peace in manner aforesaid, or any person or persons acting in the aid or assistance of any such person, shall for every such offence forfeit the sum of one hundred pounds, to be sued for, recovered and applied in manner as provided for in and by this Act.

Appointments and
Bonds of officers to
continue in force.

10. All commissions, deputations and appointments granted to any officers of the Revenue in force at the time of the passing of this Act, shall continue in force as if the same had been afterwards granted and made under and by authority of this Act; and all Bonds which shall have been given by any such officers, and their respective sureties, for good conduct or otherwise, shall continue and remain in full force and effect; and it shall and may be lawful for all Deputy Treasurers, except the Deputy Treasurer for the port of Saint John, in case of sickness or necessary absence of any of them, to appoint a fit person for them respectively, to attend to the duties of their respective offices during their sickness or necessary absence; and the person or persons so appointed shall, during the period of such appointments, have the same power and authority in every respect as the Deputy Treasurers have by virtue of this Act; and for the conduct of such person the said Deputy Treasurers and their respective sureties shall be responsible.

Interim discharge
of duties of Deputy
Treasurers who die.

11. In case of the death of any Deputy Treasurer appointed or holding office under the provisions of this Act, except in the City of Saint John, it shall be the duty of the Tide Waiter or person in the Treasury next in authority under any such Deputy Treasurer, from thence to discharge the duties of the Deputy Treasurer so dying until a new Deputy Treasurer shall be appointed in his place, and while so acting, the said Tide Waiter or other officer so acting shall be entitled to receive and be paid at the same rate for the discharge of such duties as the Deputy Treasurer would be entitled to receive if living, and be held in like manner responsible for the period he shall so act.

12. The Treasurer, Deputy Treasurers, Tide Waiters, Preventive and Revenue Officers, and every other person appointed or to be appointed to any office or employment in the service of the Treasury in this Province, shall at their respective admissions thereto, take and subscribe the following oath before one of Her Majesty's Justices of the Inferior Court of Common Pleas, or some one of the Justices of the Peace, which oath the said Justice is hereby authorized and required to administer, without fee or reward, and forthwith to transmit the same to the Provincial Secretary, to be by him filed in the Secretary's Office; a certified copy of which, under the hand of the Secretary, shall be good evidence of such oath having been administered and taken in all Courts of Justice in this Province.

Principal and subordinate officers to be sworn.

OATH.

'I, A. B., do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge and inspection, in the service of the Treasury in this Province; and that I will not require, take or receive any fee, perquisite, gratuity or reward, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service, act, duty, matter or thing done or performed, or to be done or performed in the execution or discharge of any of the duties of my office or employment, on any account whatever, other than my salary, and what is or shall be allowed me by law, or by any special order of the Lieutenant Governor, or by the Treasurer of the Province.—SO HELP ME GOD.'

13. The Treasurer of the Province and the Deputy Treasurers respectively are hereby authorized and empowered to administer all the oaths required to be made and taken for carrying the provisions of this Act into effect; and every person who shall be convicted of making a false oath to any of the particulars required of him to be sworn to, shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

Treasurer and Deputies may administer oaths;

14. The Clerks in the office of the Provincial Treasury at the City of Saint John, appointed or to be appointed by the Treasurer of the Province, whilst in such office, are hereby empowered to administer all oaths required to be administered by the Treasurer of the Province, in like manner as the Treasurer of the Province is authorized to administer the same; and any person who shall make a false oath before any Clerk in such office, shall be deemed guilty of perjury, and liable to the pains and penalties of the same; provided always, that the Treasurer of the Province shall first publish in the Royal Gazette the names of such Clerks.

Also Clerks in the Treasury Office in Saint John.

15. Every person employed on any duty or service relating to the Treasury Department, by the orders or with the concurrence of the Treasurer, or of any Deputy Treasurer, shall be deemed to be the officer of the Treasury for that duty or service; and every act, matter or thing required by any law at any time in force to be done or performed by to or with any particular officer nominated in such law for such purpose, being done or performed by to or with any person appointed by the Treasurer or any Deputy Treasurer as aforesaid, to act for or in behalf of such particular officer, the same shall be deemed to be done or performed by to or with such particular officer; and every act, matter or thing required by any law at any time in force to be done or performed at any particular place within any port, being done or performed at any place within such port appointed by the Treasurer or any Deputy Treasurer as aforesaid for such purpose, the same shall be deemed to be done or performed at any particular place so required by law.

Persons employed in the Treasury Department deemed officers of that Department.

Office hours to be appointed by the Governor in Council.

16. It shall be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, by order in Council, from time to time to appoint the hours of general attendance of the respective officers of the Treasury, and other persons in the service thereof, at their proper offices and places of employment; and it shall be lawful for the Treasurer of the Province to appoint the times, during such hours, at which any particular parts of the duties of such officers and other persons respectively shall be performed by them.

Dutiable imported goods to be subject to rules, &c., of this Act.

17. All goods subject to duties under any Act or Acts of the General Assembly of this Province, which shall be imported or brought by sea, or inland navigation, or by land carriage into this Province from any port or place abroad, beyond the seas, or out of this Province, or which, being so subject to duties, shall be carried and transported by sea from one port or place within this Province to another port or place within this Province, shall be and the same are hereby made liable and subject to the several rules, restrictions, conditions, regulations, penalties and forfeitures in this Act contained, in respect to such importation, and the payment or security of the Duties thereon, or the warehousing of the same goods.

Limitation of size of packages and vessels for importing Spirits.

18. From and after the time appointed for this Act to go into operation, no Spirits (except in bottle, and Spirits imported from the United Kingdom, or from Bond in any British Colonial Possession) shall be imported into this Province in casks or packages of less size than to contain one hundred gallons, nor in other than decked vessels of not less than thirty tons register; and all Spirits imported into this Province contrary to the provisions of this Act, or that may be found on board of other than decked vessels of not less than thirty tons register, in packages or casks of less size than to contain one hundred gallons, within the limits of any port or ports of entry in this Province, shall be seized, condemned and forfeited in like manner as other articles illegally imported.

Coasting trade regulations.

19. It shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to make and appoint such regulations for the carrying coastwise in British vessels of any goods, or for the removing of goods for shipment within this Province, as to them shall appear expedient; and all goods laden, water borne or unladen contrary to such regulations so made and appointed, shall be forfeited.

Forfeiture for contravention.

Coasting trade with other British Possessions in North America.

20. Whenever it shall appear to the Lieutenant Governor in Council expedient to establish a coasting trade in British vessels for the removal of goods generally, or for the removal of such goods as are reciprocally made free between this Province and any other of the British Possessions in North America, it shall and may be lawful for the said Lieutenant Governor, by and with the advice of said Council, to issue directions for that purpose by Proclamation in the Royal Gazette; and the said coasting trade shall be subject to the like rules and regulations as the said Lieutenant Governor in Council is authorized to make for the carrying coastwise of any goods under the provisions of this Act, and for any breach thereof the said goods shall be forfeited.

Smuggling deemed a misdemeanor.

21. Any person or persons who shall or may be guilty of smuggling into this Province any goods, wares or merchandise subject to Duty under any law of this Province now or that may hereafter be in force, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to be imprisoned for any term not exceeding twelve months, or to pay a penalty not exceeding one hundred pounds, at the discretion of the Court.

Report of persons in charge of a ship to be made within twenty four hours after arrival.

22. The master, commander or person in charge of every ship arriving at any port or place in this Province, whether laden or in ballast, shall within twenty four hours after such arrival, and before bulk be broken, make due report in duplicate

duplicate of such ship to the Treasurer of the Province, or to the Deputy Treasurer or other authorized officer at or nearest the place of such arrival, under oath subscribed by him; and if laden, such report shall contain an account of the particular marks, numbers and contents of all the different packages or parcels of the goods on board of such ship, and the particulars of such goods as are stowed loose, and the names and number of passengers, (if any) to the best of his knowledge and belief, and of the place or places where such goods were respectively taken on board; and shall, in the same report, state on oath as aforesaid; the name of each and every owner and consignee of such cargo, and where the same is intended to be landed; and such report shall further state whether and in what cases such ship has broken bulk in the course of the voyage, and whether any and what part thereof has been landed and taken from such ship after arriving in the Province, and what part (if any) is intended for exportation in the same ship, and what surplus stores or stock remain on board such ship; and if required by the Treasurer or Deputy Treasurer or other authorized officer, shall produce to him any Bill or Bills of Lading, or a true copy thereof, for any and every part of the cargo laden on board; and the master, commander or other person in charge of such ship who, after arriving within the Province, shall fail to make such report, or who shall make a false report, or who shall land any part of the cargo before a Warrant is granted therefor, or who shall fail to produce such Bill of Lading, or copy, or if such Bill of Lading or copy shall be false, shall in each and every case forfeit the sum of one hundred pounds.

Contents.

Penalty.

23. The person in charge, or the owner or consignee of all goods, chattels, horses and cattle imported or brought by land or inland navigation into this Province, shall immediately, or as soon as practicable after such goods, chattels, horses and cattle shall be so brought in as aforesaid, and before bulk be broken, make due report in duplicate of the importation of such goods, chattels, horses and cattle to the Treasurer, Deputy Treasurer or other authorized officer at or nearest the place of such arrival, under oath subscribed by him, which report shall contain an account of the marks, numbers and contents of the different packages or parcels of the goods and chattels, and the number and description of the horses and cattle so imported or brought in, to the best of his knowledge and belief, and the names of the places from which such goods, chattels, horses and cattle respectively were brought, and the names of each and every owner and consignee of such goods, chattels, horses and cattle, and to what part of the Province the same is or are intended to be taken, and whether any and what part of the goods and chattels so imported or brought in have been landed from the carriage or vehicle in which the same were so brought in after arriving in the Province; and if the person in charge, or the owner or consignee of such goods, chattels, horses and cattle after their arrival in this Province shall fail to make such report, or shall make a false report, or shall unload any part of the goods and chattels, or dispose of or put out of their hands any of the said horses or cattle so brought in, before a Warrant or Licence is granted therefor, such person in charge, owner or consignee, shall in each and every case forfeit the sum of twenty five pounds, and the goods, chattels, horses and cattle so brought in shall be forfeited.

Report of person in charge, or owner or consignee of goods, &c., imported by land.

Contents.

Penalty.

24. It shall be lawful for the Treasurer, or any Deputy Treasurer, or Tide Surveyor or other authorized officer, to board any ship in any port or place in any part of this Province, either before or after such ship comes to anchor, and freely to stay on board until all the goods laden therein shall have been duly delivered from the same; and the said officer shall have free access to every part of the ship,

Officers may board any ship, and have access to all parts; may secure goods, and open locks.

- ship, with power to fasten down hatchways, and to mark any goods before landing, and to lock up, seal or otherwise secure any goods on board such ship; and if any place, or any box or chest be locked, and the keys withheld, the said officers may open any such place, box or chest in the best manner in their power, and if any goods be found concealed on board any such ship they shall be forfeited; and if any lock, mark or seal be placed upon any goods on board, and such lock, mark or seal be wilfully opened, altered or broken before due delivery of such goods, or if any such goods be secretly conveyed away, or if the hatchways, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of one hundred pounds.
- Concealed goods to be forfeited.**
- Penalty on master.**
- Officers may be stationed in ships.**
25. It shall be lawful for the Treasurer, or any Deputy Treasurer, or Tide Surveyor or other authorized officer, to station persons on board any ship while within the limits of any part of this Province; and the master of every ship on board of which any officer is so stationed, shall provide every such officer sufficient room under the deck, in some part of the forecastle or steerage, for his bed or hammock, and in case of neglect or refusal so to do, shall forfeit the sum of ten pounds.
- Before commencing to load, master to deliver to the Treasurer a certificate of clearance inward.**
26. The master of every ship in which any goods are imported into this Province shall, before any goods or ballast be taken on board to be carried to any place without the Province, or to another port within the Province, deliver to the Treasurer of the Province, or to a Deputy Treasurer or other authorized officer at the port or place where such vessel may be, a certificate from the proper officer of the clearance inwards of the cargo imported in such ship; and if any goods or ballast be taken on board of any ship before the delivery of such certificate, the master shall forfeit the sum of one hundred pounds; provided always, that when it shall become necessary to lade any heavy goods or ballast on board any ship before the whole of the inward cargo is discharged, it shall be lawful for the Treasurer, Deputy Treasurer or other authorized officer, to issue a stiffening order for that purpose, stating what particular goods or ballast may be taken on board.
- Penalty.**
- Stiffening order.**
- Importer to enter goods within three days.**
27. Every importer of any goods shall within three days after the arrival of the ship importing the same, (the same not being intended for exportation in the same ship,) make perfect entry of such goods, or entry by Bill of Sight, in manner hereinafter provided; and in default of such entry it shall be lawful for the Treasurer, Deputy Treasurer or other authorized officer to convey such goods to the Queen's or some special Warehouse; and whenever the cargo of any ship shall have been discharged, with the exception only of a small quantity of goods, it shall be lawful for the Treasurer, Deputy Treasurer or other authorized officer to convey such remaining goods, and at any time to convey any small packages or parcels of goods, to the Queen's or some special Warehouse, although such three days shall not have expired, there to be kept waiting the due entry thereof during the remainder of such three days; and if the duties due upon any goods so conveyed to a Warehouse shall not be paid or secured within three months after such three days shall have expired, together with all charges of removal and Warehouse rent, the same shall be sold, and the proceeds thereof shall be applied first, to the payment of freight and charges, next to duties, and the overplus (if any) shall be paid to the owner of the goods, or to his authorized agent.
- Default of entry.**
- Remnant of cargo.**
- Such goods may be sold if duties be not paid within three months.**
28. The person entering any goods inwards, whether for payment of Duty or to be warehoused, upon the first perfect entry thereof, or for payment of Duty upon the taking out of the Warehouse, or whether such goods be free of Duty, shall deliver to the Treasurer, Deputy Treasurer or other authorized officer, as the case may be, a Bill of Entry of such goods, expressing the name of the ship and
- Contents of Bill of entry.**

Undervalued goods may be appraised;

Provided always, that if it shall appear to the Treasurer, Deputy Treasurer or other authorized officer, that such articles have been invoiced below the real quantity or value thereof at the place from whence the same were imported, or if the value or quantity is not known, it shall be lawful for such Treasurer, Deputy Treasurer or other authorized officer, to cause such articles to be examined, and if necessary, weighed, measured and appraised by one or more competent person or persons appointed or to be appointed by the Lieutenant Governor, and such person or persons, or any one of them, shall declare or certify to the Treasurer, Deputy Treasurer or other authorized officer, what is the true and real quantity and value of such articles; and the quantity or value so declared or certified, shall be the true and real quantity or value of such articles, and upon which the Duties imposed by any Act or Acts of the General Assembly of this Province shall be charged and paid; provided nevertheless, that in all cases where goods are not entered according to the true quantity or value thereof at the place from whence they were imported, the Treasurer, Deputy Treasurer or other authorized officer may take such goods for the use of the Province, paying to the importer or proprietor of such goods the amount of value as stated in his entry, together with an addition of ten pounds per centum, and also any Duties that may have been paid upon such goods at the time of entry; and such goods shall be disposed of for the benefit of the Province; and if the proceeds of such sale shall exceed the sum paid, together with the Duties and charges incurred, one moiety of the overplus shall be given to the officer who had taken the goods, and the money retained for the benefit of the Province shall be paid into the hands of the Treasurer of the Province, and carried to the account of ordinary Duties.

or officer may detain the goods and pay the value as entered with ten per cent. advance.

Such goods to be sold for the benefit of the Province.

Entry may be made by Bill of Sight if value be not known.

31. If the importer of any goods shall make oath, before the Treasurer, Deputy Treasurer or other authorized officer, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the Treasurer, Deputy Treasurer or other authorized officer, to receive an entry by Bill of Sight, for the packages or parcels of such goods, by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the Treasurer, Deputy Treasurer or other authorized officer, and at the expense of the importer, and may be seen and examined by such importer in the presence of the proper officers; and within three days after the goods shall have been so landed, the importer shall make a perfect entry thereof and pay all duties due thereon; and in default of such entry, such goods shall be taken to the Queen's or some special Warehouse; and if the importer shall not within one month after such landing, make perfect entry of such goods and pay the duties due thereon, together with the charges of removal and Warehouse rent, such goods shall be sold for the payment thereof, and the overplus (if any) shall be paid to the owner of the goods.

Entry to be made in three days or goods warehoused and in one month sold.

Goods brought by land or inland navigation must be brought to a place where there is a Treasury office.

32. It shall not be lawful to import or bring into this Province any goods wares or merchandise, or any articles whatsoever, subject to duty under and Revenue Law, except into some port or place of entry at which a Treasury Office now is or hereafter may be established, and all goods, wares or merchandise imported or brought in contrary hereto shall be forfeited; provided always, that it shall be lawful for the Lieutenant Governor, by and with the advice any consent of the Executive Council, from time to time to diminish or increase, by proclamation, the extent or number of ports or places of entry which are or hereafter may be appointed for the entry of goods brought in or imported as aforesaid.

[The number of places of entry may be increased or diminished.]

Duties to be collected in same manner as on goods imported by sea.

33. The Duties imposed by any Act or Acts of the General Assembly of this Province, shall be ascertained, levied and recovered for and upon all goods imported

imported or brought in by land or inland navigation in the same manner and by the same means, and under the same rules, regulations, restrictions, penalties and forfeitures, as the duties on the like goods imported by sea, may and can be ascertained, levied and recovered, as far as the same are applicable; and if any goods shall be imported or brought in contrary hereto, or if any goods so imported or brought in shall be removed from the station or place appointed for the examination of such goods by the officers of the Treasury before all Duties payable thereon shall have been paid or secured, such goods shall be forfeited, together with the vessel, boat or carriage, and the horses or other cattle, in or by which such goods shall have been so imported or brought in, or so removed.

If removed from place appointed for examination before Duties paid, to be forfeited.

34. The surplus stores of every ship arriving at any port or place in this Province shall be subject to the same Duties and the same restrictions and regulations as the like sort of goods shall be subject to when imported by way of merchandise; but if it shall appear to the Treasurer or other authorized officer, that the quantity or description of such stores is not excessive or unsuitable, it shall be lawful for such Treasurer, Deputy Treasurer or other authorized officer, to permit such surplus stores to be warehoused or secured for the future use of such ship, and such surplus stores may be reshipped as stores for the same ship without payment of Duty.

Surplus ship stores subject as goods.

If not excessive may be warehoused for ship's use.

35. Any articles subject to Duties by any Act for raising a Revenue which may be imported expressly for the use of Her Majesty's Army, Navy or Ordnance, and actually delivered to an authorized officer of Government, shall be and the same are hereby exempted from the Duties imposed upon the like articles; and any such articles which may be supplied by any resident merchant or trader for the uses aforesaid, and actually delivered to any authorized officer of Government, shall also be exempted from the payment of Duties imposed upon the like articles, and if the Duties thereon shall have been paid, then such resident merchant or trader shall receive back the amount of such Duties; provided always, that before any such articles shall be exempted from the payment of Duties, and before any repayment of Duties shall be made, the authorized officer of Government shall, if the said articles have been imported, make and subscribe an affidavit before the Treasurer, Deputy Treasurer or other authorized officer, that the several articles are imported expressly for the use of Her Majesty's Army, Navy or Ordnance, and to be received into his charge for that purpose; and if any such articles shall be supplied for the like purpose by any resident merchant or trader, such merchant or trader shall make and subscribe an affidavit before the Treasurer, Deputy Treasurer or other authorized officer as aforesaid, that the articles mentioned in the affidavit were actually delivered to an authorized officer; and the said authorized officer shall also make and subscribe an affidavit before the Treasurer, Deputy Treasurer or other authorized officer, that the articles mentioned in the said affidavit of the merchant or trader are actually delivered into his charge for the use as aforesaid.

Articles imported or supplied for the Army, Navy or Ordnance exempted from Duty.

36. All articles which are subject to Duties under any Act for raising a Revenue, and which have been or may be seized and sold in any part of the Province for having been illegally imported or smuggled, shall be liable to the same rates and duties as if the same had been legally imported and entered at any office of the Treasury, as required by this Act; and the purchaser or purchasers of any such articles sold as aforesaid, shall within twenty four hours after such sale and purchase, and before any part of the articles so purchased shall be removed, make report to the Treasurer, Deputy Treasurer or other authorized officer at the place nearest the sale, in writing, under affidavit, of the articles so purchased; and the

Articles seized and sold as smuggled, made liable to Duty.

Duties

Duties arising thereon shall be paid in the same manner and subject to the same regulations as Duties arising on such articles when legally imported ; and upon the exportation of any such articles so purchased, reported, and upon which the Duties have been paid, the purchaser shall be entitled to the like drawbacks as hereinafter allowed upon the exportation of the like articles, subject always to the like regulations, provisions and restrictions as are hereinafter made and provided ; and if any dutiable articles which may have been imported into the Province, or purchased from some resident merchant or trader for the use of Her Majesty's Army, Navy or Ordnance, and upon which no Duties have been paid, or upon which the Duties may have been repaid, shall at any time be sold by order of the Government, the purchaser or purchasers shall report the same, and pay the same amount of Duties as such articles are liable to when imported into the Province, and shall be entitled to the same drawbacks upon the exportation thereof, subject to the same regulations, restrictions and provisions as are hereinafter provided and made, as hereinafter mentioned ; and any purchaser of dutiable articles at any Custom House sale, or at the sale of Government Stores as aforesaid, who shall refuse or neglect to make report of such articles so purchased, and to pay the Duties thereon, shall, if the same articles cannot be found, forfeit and pay the sum of one hundred pounds ; and if the whole of the same are found, then in lieu of such penalty, the said articles shall be forfeited, and may be seized, taken away and prosecuted by order of the Treasurer, Deputy Treasurer or any authorized officer, and the proceeds thereof applied in manner directed by this Act.

Also articles for the use of the Army, &c., sold by order of Government, on which no duties have been paid ;

also articles sold at Custom House sales, &c.

Duties to be paid on importation or before removal from Warehouse.

Measure or weight of goods, how determined.

Goods may be warehoused and Duties paid from time to time.

Entry of and Bond for articles to be warehoused.

37. The Duties imposed on goods, wares and merchandize by any law or laws relating to Revenue in this Province, shall be paid at the time of importation, or if warehoused under the provisions of this Act, prior to removal from such Warehouse, otherwise than for exportation, or removal from the Warehouse to another port within the Province.

38. The quantity of all goods charged, to pay Duty according to the measure or weight thereof, shall be determined by one or more sworn Gaugers and Weighers appointed by the Lieutenant Governor ; and the quantity of all dutiable Liquors and Molasses shall be ascertained by Gunter's Calipers ; and the weight of all goods dutiable by weight, by proper scales and weights, to be provided by the Province Treasurer, at the expense of the Province ; and the owner or importer of all dutiable Liquors and Molasses shall, at his own proper cost and charge, cause the same to be placed in a convenient position to be gauged ; and the owner or importer of all goods required to be weighed, shall, at his own proper cost and charge, furnish such assistance as may be necessary for placing the same on the scales, and removing the same therefrom.

39. The importer or consignee of any goods or articles subject to duty under and by virtue of any Act of the General Assembly of this Province, may warehouse such articles, and pay the Duties thereon, from time to time, on such as may be sold or entered for home consumption, and before delivery thereof.

40. Before the owner, importer or consignee of any dutiable articles imported into this Province, shall have the privilege of warehousing the same, it shall be the duty of such owner, importer or consignee of any such articles, to enter the same for warehousing in a good and sufficient Warehouse, to be appointed by the Treasurer, Deputy Treasurer or other authorized officer, as the case may be, and fitted and prepared to the satisfaction of the said Treasurer, Deputy Treasurer or other authorized officer, and approved of by the Lieutenant Governor, by and with the advice and consent of the Executive Council ; and the notice

of

of the appointment and approval of all such Warehouses shall be published in the Royal Gazette; and before any articles shall be admitted into any Warehouse, the owner, importer or consignee of the same shall give bonds, with two sufficient sureties, to be approved of by the said Treasurer, Deputy Treasurer or other authorized officer, as the case may be, in double the amount of the Duties payable on such articles, in such Warehouse mentioned in the entry of the same, and for the payment of the Duty on such articles, or for the exportation thereof, according to the account first taken of such articles upon the landing of the same, with the further condition, that no part shall be taken out of such Warehouse until cleared from thence, upon due entry and payment of Duty, or upon due entry for exportation or removal from the Warehouse to another port in the Province, and with the further condition that the whole of such articles shall be so cleared from such Warehouse, and the Duties upon such deficiency (if any) of the quantity according to such first account, shall be paid within two years from the date of the first entry thereof.

41. If any articles which have been entered to be warehoused shall not be duly carried and deposited in the Warehouse, or shall afterwards be taken out of the Warehouse without due entry or clearance, or having been entered and cleared for exportation from the Warehouse, or for removal to another port in the Province, shall not be duly carried therefrom and shipped, or shall afterwards be relanded, except with permission of the proper officer of the Treasury, such goods shall be forfeited.

Articles entered for warehousing and not deposited, or cleared for exportation and not exported, to be forfeited.

42. All goods so warehoused shall be stowed in such parts or divisions of the Warehouse and in such manner as the Treasurer, Deputy Treasurer, or other authorized officer shall direct; and the Warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations, as the Treasurer, Deputy Treasurer, or other authorized officer may direct; and all such goods shall, after being landed, upon importation, be carried to the Warehouse, or shall, after being taken out of the Warehouse for exportation, or for removal to another port in the Province, be carried to be shipped under such rules and regulations as the Treasurer, Deputy Treasurer or other authorized officer shall direct.

Storage of goods in Warehouse.

Locking and un-locking Warehouse.

Carrying goods to and from warehouse.

43. If any goods which shall have been warehoused, shall be fraudulently concealed in or removed from the Warehouse, such goods shall be forfeited, and may be seized and disposed of in the manner directed in and by this Act; and if any importer or proprietor of any goods warehoused, or any person in his employ, shall by any contrivance, fraudulently open the Warehouse, or gain access to the goods, such importer or owner shall forfeit and pay for every such offence the sum of fifty pounds.

Goods fraudulently concealed or removed forfeited.

Opening warehouse.

Penalty.

44. All goods which have been warehoused shall be duly cleared either for exportation or for home consumption within two years, and all surplus stores of Ships within one year, from the date of the first entry thereof; and if any such goods or stores be not so cleared, it shall be lawful for the Treasurer, Deputy Treasurer or other authorized officer to cause the same to be sold, and the produce applied to the payment of Warehouse rent and other charges, and the Duties, and the overplus (if any) shall be paid to the proprietor.

Warehoused goods to be cleared in two years; ship's stores in one year. If not cleared to be sold.

45. Upon the entry of any goods to be cleared from the Warehouse, whether the same be for home consumption or for exportation, or for removal to another port in the Province, the person entering such goods shall deliver a bill of the entry, and duplicates thereof, in the like manner as is directed in the case of goods entered

Entry for home consumption or for exportation, &c.

Duties to be paid on original quantities.

entered to be landed, so far as the same is applicable ; and if for home consumption, shall, at the time, pay down to the proper officer, the full Duties payable thereon, and not being less in amount than according to the account of the quantity first taken of the respective packages or parcels of the goods in such entry at the examination thereof at the time of the first entry and landing of the same, without any abatement on account of any deficiency ; and if the entry be for exportation or for removal to any other port in the Province, and any of the packages or parcels of the goods be deficient of the respective quantities of the same, according to the account first taken as aforesaid, a like entry inwards shall also be passed in respect of the quantities so deficient, and the full Duties shall be paid on the amount thereof before such packages or parcels of goods shall be delivered or taken for exportation or removal.

Warehouse bond for goods subsequently entered for exportation not to be cancelled except on certificate of landing, &c.

46. Where the whole of the goods warehoused under any entry, shall be cleared from the Warehouse, and the whole or any part of such goods have been entered for exportation, or for removal to another port in the Province, the Bond given for the Duties on such goods shall not be cancelled and given up, but the parties to such Bond shall be liable for the amount of Duties on the goods so exported or removed to another port in the Province, unless a certificate of the landing of such goods shall be produced within a reasonable time, such certificate to be signed by the principal officer of Revenue or Excise, if the goods be landed at a place in the British Dominions, or by the British Consul, if the goods be landed at a place not in the British Dominions.

Cargo of passenger steamboats may be put into warehouse after report made.

47. It shall be lawful for the Treasurer or other authorized officer to allow the master of any steamboat employed regularly in the conveyance of passengers, upon due report of such boat as is required in and by this Act for ships arriving within the Province, to deposit the cargo on board such boat in a good and sufficient Warehouse to be provided by the owner or agent of such boat, and approved of by the said Treasurer or other authorized officer, such owner or agent having first given general security by Bond, with two good and sufficient sureties, for the payment of the full Duties of importation on all such goods as shall at any time be so warehoused therein, or for the exportation thereof ; and all goods so deposited shall be deemed and taken to be on board the steamboat in which they were imported, and shall be subject to the same rules, regulations, restrictions, penalties and forfeitures, as if the same had not been taken out of such steamboat ; and the master or owner of such steamboat shall have the same lien on the goods for freight or other charges as if the same had not been deposited in the Warehouse, but shall not be entitled to any rent for the goods so deposited in such Warehouse, provided the owner or consignee of such goods make perfect entry, or entry by bill of sight, and remove such goods within three days from the time of their being so deposited in such Warehouse.

Goods to be deemed to be on board though deposited in warehouse.

Lien for freight.

Goods may be removed from one warehouse to another in the same port, by permission.

48. Any goods which have been or shall be hereafter warehoused in some Warehouse in any port in this Province, may, with the permission of the Treasurer or Deputy Treasurer at such port, first obtained, be removed to any other Warehouse in the same port in which goods may be warehoused on importation.

Liability of goods so removed and proprietors.

49. All goods which hereafter shall be removed from one Warehouse for or to another in the same port, and all proprietors of such goods, shall be held subject in all respects to all the conditions to which they would have been held subject if such goods had remained in the Warehouse where the same had been originally warehoused.

Security for Duties may be changed when the goods have been sold.

50. If any goods shall have been warehoused in any warehouse and particular security, as in such case is required, shall have been given by the importer of such

such goods, in respect of the same, and such goods shall have been sold or disposed of, so that the original bonder shall be no longer interested in, or have control over such goods, it shall be lawful for the Treasurer, Deputy Treasurer or other authorized officer, to admit fresh security to be given by the Bond of the new proprietor of such goods, or person having control over the same, with two sufficient sureties, to be approved of by such officer, and to cancel the Bond given by the original bonder of such goods, or to exonerate him and his sureties to the extent of the fresh security so given; and so, in like manner, if any further transfer be made of the said goods, while in any warehouse, provided that all such goods be taken out of the Warehouse by payment of Duties or for exportation, within two years from the first entry thereof.

51. No transfer of any goods while remaining in any warehouse shall be valid until the new security authorized to be taken by this Act shall be given by the person to whom such transfer has been made, or by the person having control over the same.

When transfer of warehoused goods valid.

52. The master or person in charge of any vessel, if laden, arriving inward at Saint John, and bound for Fredericton, shall make report of such vessel at the Treasurer's Office in Saint John, and shall, before proceeding up the River, take on board a Tide Waiter or other authorized officer, who shall remain on board until such vessel is duly entered at Fredericton; and any master or person who shall neglect or refuse so to make such report, or who shall proceed up the River without taking such officer on board, shall forfeit and pay the sum of one hundred pounds.

Vessels bound for Fredericton to report at Saint John and take an officer on board.

Penalty.

53. The master or person in charge of any such vessel, on board of which any officer is so stationed, shall provide every such officer sufficient room under the deck or some part of the fore-castle or steerage, for his bed or hammock, and shall also provide such officer while so on board, with good and sufficient food; and in case of neglect or refusal so to do, shall forfeit and pay the sum of ten pounds.

Officer to be provided with sufficient room and food.

54. Any goods duly warehoused at any port or place within this Province, may be delivered out of such Warehouse to be shipped as stores for any ship or vessel of the burthen of fifty tons or upwards, bound on a voyage to any port or place out of this Province, the probable duration of which, out and home, will not be less than thirty days; provided always, that due proof on affidavit shall be made to the Treasurer, Deputy Treasurer or other authorized officer, by the master or owner of the ship or vessel, that the articles to be delivered are requisite and necessary for the voyage, and are actually intended therefor.

Goods may be delivered from Warehouse to be shipped as ship stores.

55. It shall be lawful for the Treasurer or Deputy Treasurer at any port or place in this Province to allow the owner of any goods duly warehoused, to sort, separate, pack and repack such goods, and to make such alterations therein or arrangements thereof as may be necessary either for the preservation of such goods, or in order to the sale, shipment or legal disposal of the same; provided always, that no alteration shall be made in any such goods or packages, except at such times and in such manner and under such regulations and restrictions as the Treasurer or Deputy Treasurer shall require and direct.

Permission may be granted to repack goods in Warehouse.

56. If any person or persons shall break open any Warehouse, or by any contrivance illegally and improperly gain access to any goods in any Warehouse established under the provisions of any Act or Acts of Assembly now or hereafter to be in force, every such offender shall be guilty of a misdemeanor, and liable to fine or imprisonment, or both, in the discretion of the Court where such offender may be tried and convicted.

Breaking open or improperly getting access to Warehouse.

Penalty.

Drawbacks allowed
in exportation of
dutiable articles.

57. Whosoever shall export or carry out of this Province by sea, any articles chargeable with Provincial duty, and upon which, upon their entry inwards for home use, the Duties shall have been paid, or which may have been purchased at any Custom House sale, or sale of Government stores, shall be entitled to and shall be allowed a drawback or allowance of the whole amount of such Duties; provided that no drawback shall be allowed unless the goods upon which such drawback shall be claimed shall be of the value of not less than fifty pounds upon the first entry.

Landing goods
after report for
exportation or
shipment to obtain
drawback.

58. If all or any of the articles reported for exportation without being landed, or which having been landed, have been shipped to obtain the drawbacks allowed by this Act, have been landed or relanded contrary to the true intent and meaning of this Act, all such articles so landed or relanded, and such as may be on board at the time of discovering such intended fraud, shall be forfeited, and shall and may be seized and prosecuted to condemnation, and the proceeds of such forfeiture applied as in this Act directed; and if it shall be discovered within one year after the articles reported for exportation, or after any drawbacks may have been paid or received, that the whole or any part thereof have been fraudulently relanded within this Province, the owner or consignee of such articles, and the master or owner of the ship from which the same were relanded, shall severally pay the sum of one hundred pounds, to be recovered and applied as hereinafter directed.

Forfeiture.

Penalty.

Ships with dutiable
goods entering
other than the
appointed ports.

59. From and after the passing of this Act, it shall not be lawful for any ship or vessel arriving with goods on board within the Province liable to the payment of Duties (under any Act or Acts of the General Assembly of this Province, now in force or that may hereafter be in force,) if landed or brought into this Province, to enter into any harbour, roadstead, river, creek or place within this Province, with such goods on board, other than into some duly appointed port or place of entry, (unless from stress of weather or some other unavoidable and justifiable cause to be shewn by the master, owner or consignee of such ship, vessel or goods,) under the penalty of such ship or vessel and all the goods on board being forfeited; provided always, that nothing in this section contained shall extend or be construed to extend to render the goods of any innocent consignee or consignees, or owner or owners, on board of such ship or vessel, liable to forfeiture, upon his making it appear to the satisfaction of the Treasurer or Seizing Officer, by legal proof, that he had nothing to do with, and was not concerned in such ship or vessel so entering into such river, roadstead, creek or place.

Penalty.

Liability of vessels,
&c., to forfeiture,
and persons to
penalties, for land-
ing or removing
dutiable goods.

60. All vessels and boats under fifteen tons, in which any goods, wares or merchandise liable to forfeiture, from being prohibited, or for non-payment of Duties, or for other cause, under any Act or Acts of the General Assembly relating to the Provincial Revenue, shall be imported or brought into this Province, shall be seized as forfeited by any officer of the Treasury, and proceeded against in the same manner as if they had been actually engaged in the removal of any goods liable to forfeiture; and all carriages and cattle made use of in the removal of any goods liable to forfeiture under this Act shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring or concealing such goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of one hundred pounds, at the election of the officer or person prosecuting; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer or person proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

61. All articles, ships and vessels not exceeding one hundred tons register, boats, carriages and other articles, which shall or may be seized as liable to forfeiture under the provisions of this Act, shall and may be deemed and taken to be condemned for breach of any law or laws of this Province relating to Revenue, unless the owner or owners of the articles so seized as forfeited, or the person from whom they were so seized, or some person duly authorized by him, shall within one calendar month from the day of seizing the same, give notice in writing to the Treasurer, Deputy Treasurer or other authorized officer at or nearest the place where such seizure shall have been made, that he claims the articles or things so seized; provided always, that in case the articles so seized be live stock or dead meats, or any other description of perishable articles, unless claim to the same shall be made, and notice thereof given within forty eight hours after such seizure made, the same shall be taken and deemed to be forfeited, and sold at public auction, after twenty four hours notice being given.

Seized vessels, &c., and goods to be deemed condemned unless notice of claim be given.

62. All articles seized as forfeited by virtue of this Act, and claimed by any person or persons agreeably to the provisions of the preceding section, and security given for prosecuting such claim with effect as hereinafter provided, shall and may be prosecuted to condemnation in the name of the Treasurer or Deputy Treasurer, or by information of Her Majesty's Attorney General or Solicitor General, before any two of Her Majesty's Justices of the Peace residing near the place where such seizure shall have been made, who are hereby required and directed to keep a book of record in which they shall fairly enter all causes tried before them under this Act, together with the evidence taken before them upon such trial; provided always, that in case the articles seized shall be of the value of twenty five pounds, then the same shall be proceeded against in some of Her Majesty's Courts of Record within the Province.

Prosecution of articles seized to be in the name of the Treasurer, &c.

63. If any articles shall be seized as forfeited under the provisions of this Act, it shall and may be lawful for the Treasurer or Deputy Treasurer making such seizure, to deliver up the same to the claimant on security by Bond, with two sufficient sureties, to be approved of by such Treasurer or Deputy Treasurer, to answer double the value of the same, in case of condemnation; and in case of conflicting claims, the person from whom the property was taken shall be deemed the rightful claimant for the purposes of this section, on his complying with the requisites of this Act in case of claims, otherwise, the claimant who does so shall be preferred; and such Bond shall be taken in the name of Her Majesty, and may be sued for and recovered in any of Her Majesty's Courts of Record in this Province, and shall be delivered to and kept in the custody of such Treasurer or Deputy Treasurer, and in case the goods shall be condemned, the value thereof shall be paid into the hands of such Treasurer or Deputy Treasurer, who shall thereupon cancel such Bond.

Articles seized may be delivered up to the claimant on security.

64. When any article or articles shall be seized for a breach of the Revenue Laws of this Province, it shall be the duty of the Treasurer or Deputy Treasurer to make application to any one of Her Majesty's Justices of the Peace in the County where such articles were seized, to nominate two persons to appraise the articles so seized, whose valuation shall be accepted as the true value thereof, the expense attending such valuation to be deducted from the proceeds of the seizure.

Value of articles seized to be appraised.

65. Whenever any valuation of any goods or chattels seized under any Act relating to the said Revenue, shall be made pursuant to the provisions of this Act, such valuation shall be forthwith returned in writing, together with the claim of the owner thereof, (if any made,) into the office of the Clerk of the Crown in the Supreme

Appraisalment to be returned into the Office of the Clerk of the Crown in the Supreme Court.

Claimants to give security for prosecution of claim and costs.

Supreme Court, and no writ of appraisement or proclamation shall be necessary, but a copy of the information for each seizure shall be served on the claimant (if any,) or his Attorney, with notice to appear and plead and prosecute his claim in twenty days, or judgment will be entered by default; provided that no person shall be admitted to enter a claim for anything seized in pursuance of this or any other Act relating to the Revenue, until he shall have entered into a recognizance with two sufficient sureties in the sum of forty pounds in the ordinary form, before any Judge of the Supreme Court or Inferior Court of Common Pleas, or Justice of the Peace, such sureties being first approved of by the prosecuting officer, or Treasurer or Deputy Treasurer of the place where or near to which the penalty or forfeiture was incurred, or seizure made, to prosecute his claim, and answer and pay the costs of such claim, if found against him; which recognizance shall be forthwith delivered or transmitted to the prosecuting officer or such Treasurer or Deputy Treasurer, to be filed in the Office of the Clerk of the Crown aforesaid; and if such recognizance be not entered into within the time hereinbefore limited for making his claim, the goods seized shall be deemed forfeited; and if any claimant who shall have entered into such recognizance do not appear and plead within the time above limited, after the service of such information and notice as aforesaid, judgment of condemnation may be entered by default.

Claims to be made on oath, and only by the owners at the time of seizure.

66. No claim to anything seized under this or any other Act relating to the Provincial Revenue shall be admitted, unless such claim be entered in the name of the person or persons who were the *bona fide* owner or owners at the time of the seizure, with his or their residence and occupation, nor unless oath to the property in such thing be made by the claimant or claimants, or by his or their attorney or agent, to the best of his or their knowledge and belief; and where there are conflicting claims, each party may put in his claim on complying with the terms of this Act; and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

Articles seized to be sold at public auction.

67. All articles which shall have been seized, condemned and forfeited under and by virtue of this Act shall, under the direction of the Treasurer or Deputy Treasurer at the port or place where such articles shall have been so seized, condemned and forfeited, be sold by public auction to the highest bidder, and the proceeds of such sales disposed of as is provided in and by this Act.

Prosecution of penalties or forfeitures.

68. Any penalty or forfeiture inflicted under and by virtue of this or any Act relating to the Revenue of this Province, may be prosecuted, sued for, and recovered by action of debt, bill, plaint, or information, in any of Her Majesty's Courts of Record within this Province, in the name of the Treasurer or Deputy Treasurer, or in the name of Her Majesty's Attorney or Solicitor General; and in every action or suit, the person against whom judgment shall be given for any penalty or forfeiture under this Act, or under any other Act relating to Revenue, shall pay costs of suit, and every such action or suit shall and may be brought within one year after the offence committed, and not afterwards.

Costs.

Time.

Application of proceeds of seizures.

69. The net proceeds of all articles seized and condemned, and all forfeitures and penalties incurred and recovered under and by virtue of this Act, shall be divided, paid and applied as follows, that is to say: after deducting the charges of prosecution from the proceeds thereof, one half part to Her Majesty, for the use of the Province, and for the support of the Government thereof, and the other moiety, or half part thereof, in case of seizure, to the officer seizing the same, and in case of penalties, to the officer who shall inform and sue for the same.

70. It shall and may be lawful for the Treasurer, Deputy Treasurer or any other authorized officer, to enter in the day time, between sunrise and sunset, into any house, shop or cellar, or other building whatsoever, wherein such officer shall have reasonable cause to suspect or believe any goods to be, or to be concealed or deposited, which are liable to forfeiture under this Act ; provided that if the doors be closed and admission denied, then after first demanding to be admitted, and declaring the purpose for which such entry is demanded, it shall be lawful for such officer forcibly or otherwise to enter into such house, shop, cellar or other building, and to search therein for any goods forfeited, and to seize and take away all goods liable to forfeiture under any Act relating to the Provincial Revenue.

Treasury Officers may in the day search houses, &c. suspected to contain contraband articles.

Forcible entry.

71. Under the authority of a writ of assistance granted by the Supreme Court of this Province, or by the Chief Justice thereof, or by any Judge thereof, or by the Inferior Court of Common Pleas, or by any Justice of such Court, who are hereby authorized and required to grant such writ of assistance, upon application made in Term time or in vacation, for that purpose, by the Treasurer of the Province, or by any Deputy Treasurer, and due cause shewn therefor, it shall be lawful for any officer of the Revenue, taking with him a Peace officer, to enter any building or other place, at any time, and to search for, and seize and secure any goods liable to forfeiture under any Act or Acts relating to the Provincial Revenue, and in case of necessity, to break open any doors and chests, or other packages, for that purpose ; and such writ of assistance, when issued, shall be deemed to be in force for and during the period specified in such writ.

Search under a Writ of assistance.

72. If any person shall by force or violence, assault, resist, oppose, molest, hinder or obstruct any officer of the Provincial Revenue, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted before any Court of Record in this Province, shall pay a fine not exceeding one hundred pounds, nor less than fifty pounds, in the discretion of the Court before whom such offender shall be tried ; which fine shall be paid into the Province Treasury for the use of the Province ; and in case such fine be not paid, such person shall be imprisoned in the common gaol of the County, or the Provincial Penitentiary, for any time not exceeding twelve months, nor less than three months, with or without hard labour, at the discretion of the Court.

Assaulting or obstructing Revenue Officer on duty.

Penalty.

73. No suit shall be commenced for the recovery of any penalty or forfeiture under any Act relating to the Provincial Revenue, except in the name of the Treasurer of the Province, or in the name of some Deputy Treasurer, or of Her Majesty's Attorney or Solicitor General of the Province ; and if any question shall arise whether any person is an officer of the Provincial Revenue, or such other person as aforesaid, *viva voce* evidence may be given of such fact, and may be deemed legal and sufficient evidence.

Suits for penalties, &c., to be in the name of the Treasurer, &c.

74. In all informations for any seizure, penalty or forfeiture, it shall be averred therein that the officer proceeding prosecutes as well for the Revenue as for the Treasurer or Deputy Treasurer, as the case may be, although such Treasurer or Deputy Treasurer may not be the person actually making such seizure ; and the net proceeds of the same shall be alleged to be payable, when recovered, to the person or persons really entitled to the same ; but no proof shall be necessary as to any such averments.

Averments in informations for seizures.

75. If any goods shall be seized for non-payment of Duties, or any other cause of forfeiture, and any dispute shall arise whether the Duties shall have been paid for the same, or the same have been lawfully imported, or as to whether the goods

Onus Probandi to be on the party claiming goods seized.

goods seized were or were not, at the time of such seizure, imported, brought in, or within the bounds of the Province, or lawfully laden or exported, the proof thereof shall be on the owner or claimant of such goods, and not on the officer who shall seize and stop the same.

Capias to be the first process in prosecutions for penalties.

Bail.

76. From and after the passing of this Act, when any penalty or penalties shall be sued for by action of debt, bill, plaint, or information, against any person or persons, in any of Her Majesty's Courts of Record in this Province, a capias shall and may thereupon issue as the first process, specifying the amount of the penalty or penalties sued for; and such person or person against whom such capias shall issue, shall be obliged to give sufficient bail or security, by natural born subjects or denizens, to the person or persons to whom such capias shall be directed, to appear in the Court out of which such capias shall issue, at the day of the return of such writ, to answer such suit and prosecution, and shall likewise at the time of such appearing give sufficient bail or security, by such persons as aforesaid, in the said Court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he, she or they shall be convicted thereof, or yield his, her or their body and bodies to prison, according to the recognizance of special bail in civil cases.

Sheriff, &c. having execution of a capias to grant a special Warrant on application of the Treasurer, &c.

77. When any writ of capias or other process shall issue out of any of the Courts aforesaid, directed to any Sheriff, Coroner, Bailiff, or other person having the execution of capias or process, in any County, or City and County, against any person or persons who shall be guilty of any offence or offences whatsoever against any Act or Acts of Assembly relating to the Revenue, or to the collection of the Revenue of this Province, every such Sheriff, Coroner or Bailiff, and other person having the execution of such capias or process as aforesaid, and their and every of their under Sheriffs, Deputies, and other persons acting for them in the said office and offices respectively, shall and are hereby enjoined and required, upon the request or application of the Treasurer, or of any Deputy Treasurer, or of Her Majesty's Attorney or Solicitor General, (such request to be in writing, and endorsed upon the back of the said process, and signed by such Treasurer, Deputy Treasurer, or Attorney or Solicitor General as aforesaid, with his name and addition,) to grant a special warrant or warrants to such person or persons as shall be named to them by such Treasurer, Deputy Treasurer, or Attorney or Solicitor General as aforesaid, for the apprehending such offender or offenders; or in default thereof, every such Sheriff, Coroner, Bailiff, under Sheriff, and other person acting in the said office or offices respectively, shall be subject and liable to such process of contempt, fines, amerciaments, penalties and forfeitures as they or any of them are now by any law, custom or usage liable to in any case of refusing or neglecting to execute the like process, when the defendant might have been taken thereupon in the common and usual method of proceeding.

Indemnity of officer granting the special Warrant.

78. All and every such Sheriff, Coroner, Bailiff, and Under Sheriff, and other person so granting or making out such special warrant as aforesaid, shall be and they are hereby saved harmless, and indemnified against Her Majesty, Her Heirs and Successors, and against all and every other person and persons whomsoever, of and from all escapes of any person or persons who shall or may be taken by virtue of any such warrant as aforesaid, which shall or may happen from the time of taking such offender or offenders, till he, she or they shall be committed to the proper gaol or prison, or offered and tendered to the gaol keeper or other person having charge of such gaol or prison, (who is hereby enjoined and required to receive every such person or persons so apprehended as aforesaid, and give a receipt for his, her and their body or bodies,) and of and from all actions, prosecutions,

prosecutions, processes of contempt, and other proceedings for or by reason of such escape, any law, custom or usage to the contrary notwithstanding.

79. On filing any information for the recovery of any penalty or other matter in which the Crown is interested, where the prosecuting officers may deem it unnecessary to hold the defendant to bail, a summons or subpoena, in the form now in use, may issue in the first instance, instead of a *capias*; and if the defendant do not appear and plead to such information in twenty days after the return of such summons or subpoena, the service of such summons or subpoena being made to appear by the affidavit of the person serving the same in the usual manner, judgment by default may be signed for and on the behalf of the Crown, and damages assessed as in cases between subject and subject, if such proceeding be applicable, or an extent or extents, or other usual process, may thereupon issue in the usual manner, or such other proceedings may be had as if the Crown had obtained such judgment on appearance and plea.

A summons instead of a *capias* may be issued on filing an information.

80. Any action of debt, bill, plaint or information which shall be commenced, sued or prosecuted for any offence against any Act made or to be made relating to the Revenue of this Province, shall and may be dealt with, tried and determined in any County of the said Province; and if any such offence shall be committed, or any penalty or forfeiture incurred, or any seizure be made for breach of any such Acts, out of the body of any County in this Province, but within the limits of the said Province, such offence shall for the purposes of prosecution be deemed and taken to have been committed, and such penalties and forfeitures to have been incurred, and such seizures to have been made, in any County of this Province where the bill, plaint or information may lay the same; and it shall be sufficient to state in the said bill, plaint or information, that any of such facts occurred in the said County where laid, without alleging the place where the same actually happened.

Venue in cases under this Act.

81. No writ shall be sued out against, nor copy of any process served upon any officer of the Provincial Revenue or other person as aforesaid, for anything done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent to the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice, and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given, and in default of such proof the defendant shall recover in such action a verdict and costs.

One month's notice to be given before commencing a suit against a Revenue Officer for official acts.

82. Every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the County or City and County where the facts were committed, and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if upon a verdict or demurrer, judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

Actions to be brought within three months after cause.

General issue.

Costs when verdict for defendant.

83. In case any information or suit shall be brought to trial on account of any seizure made under this or any other Act relating to the Revenue, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the cause shall have been tried, shall certify on the Record that there was probable cause

Costs when verdict is for claimant of goods seized.

cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment or other suit or prosecution, on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the things seized, or the value thereof, shall not be entitled to more than two pence damages, nor to any costs of suit, nor shall the defendant be fined more than one shilling.

Tender of amends may be made and pleaded.

Verdict and costs.

84. It shall be lawful for such officer, within one calendar month after such notice, to tender amends to the party complaining, or his agent, and to plead such tender in bar to any action, together with other pleas, and if the jury shall find the amends sufficient, they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only; provided always, that it shall be lawful for such defendant, by leave of the Court where such action shall be brought, at any time, before issue joined to pay money into Court as in other actions.

Damages and costs when acting on probable cause.

85. In any such action, if the Judge or Court before whom such action shall be tried, shall certify upon the Record that the defendant or defendants in such action acted upon probable cause, the plaintiff in such action shall not be entitled to more than two pence damages, nor to any costs of suit.

Liability of articles to seizure limited to two years from importation.

86. The liability of any article or articles to seizure under and by virtue of this Act, shall be and continue for the term of two years from the time the same are imported or brought into the Province, and no longer.

Governor in Council may restore seizures and remit penalties.

87. It shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, by order in Council, to direct any ships, boats, goods, chattels or commodities whatsoever seized as forfeited by virtue of this Act, or any Act or Acts of the General Assembly, now or that hereafter may be in force relating to the trade and navigation of this Province, to be restored to the proprietor or proprietors on such terms and conditions as to the said Lieutenant Governor, by and with the advice aforesaid, shall seem proper, which terms and conditions shall be expressed in such order; and also to mitigate or remit any penalty or forfeiture, or any part of such penalty or forfeiture, which shall have been incurred under this Act, or any Act or Acts now in force or that hereafter may be in force relating to the trade and navigation of this Province.

Payment of costs and performance of other conditions in cases of restoration.

88. In any case where the Lieutenant Governor, by and with the advice aforesaid, shall exercise the powers hereby vested in him, such ships, boats, goods, chattels or commodities shall be restored to the proprietor or proprietors, or such fines, penalties or forfeitures, or any part thereof, remitted or mitigated in such manner and upon such terms and conditions as to costs or otherwise, as under the circumstances of the case the Lieutenant Governor, by and with the advice aforesaid, shall deem reasonable and think fit to direct, and no person or persons shall be entitled to the benefit of any order or orders made under this or the immediately preceding section of this Act, unless the terms and conditions therein contained shall be complied with within the period or periods therein specified.

Entry of nolle prosequi.

89. If any prosecution whatsoever shall be commenced for the prosecution of any fine, penalty or forfeiture whatsoever incurred under this Act, it shall be lawful for Her Majesty's Attorney General, if he is satisfied that such fine, penalty or forfeiture was incurred without any intention of fraud, or that it is inexpedient

inexpedient to proceed in the said prosecution, to stop all further proceedings by entering a *nolle prosequi*, or otherwise, on such information or proceeding, as well with respect to the share of such fines, penalties or forfeitures, to which any officer or officers, or other person or persons may be entitled, as to Her Majesty's share thereof; provided always, that the said Attorney General, in all cases in which he shall exercise the powers given to him by this section, shall forthwith report the same to the Lieutenant Governor, with the reasons and grounds thereof.

90. Whenever the several terms or expressions following shall occur in this Act, the same shall be construed respectively in the manner hereinafter directed, that is to say: the term "ship" shall be construed to mean, for the purposes of this Act, ship, vessel, or boat generally, as the case may require; the terms "master" or "commander" of any ship, shall be construed to mean the person having or taking charge of any ship, vessel, or boat, as the case may be; the term "Queen's Warehouse" shall be construed to mean any place provided by the Treasurer, Deputy Treasurer, or other authorized officer, for placing or lodging goods therein for security of Duties or other purposes within the meaning of this Act; the term "oath" shall be construed to mean oath, or affirmation in all cases where affirmations are allowed by law; the word "month" shall be construed to mean calendar month; the words "this Act" shall be construed to mean this Act or any other Act now or hereafter to be in force relating to the Revenue, or to the collection or protection of the Revenue of this Province; the words "Lieutenant Governor" shall be construed to mean the person administering the Government of this Province for the time being; the words "Executive Council" shall be construed to mean the Executive Council for the time being; the word "Revenue" shall be construed to mean the Revenue of this Province; and the words "Her Majesty's Attorney General" shall be construed to mean Her Majesty's Attorney General of this Province for the time being; and the words "Treasurer or Deputy Treasurer" shall be construed to mean the Treasurer or any Deputy Treasurer of the Province for the time being.

Construction of Act.

Ship,

Master,

Queen's Warehouse,

Oath,

Month,

This Act.

91. From and after the period at which this Act shall go into operation, the several Acts hereinafter mentioned shall be and the same are hereby repealed, (save as hereinafter otherwise is provided) that is to say: an Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the collection and protection of the Revenue of this Province*; also an Act made and passed in the same year, intituled *An Act for the better prevention of Illicit Trade*; also an Act made and passed in the thirteenth year of the said Reign, intituled *An Act to amend the Act providing for the collection and protection of the Revenue of this Province*; also an Act made and passed in the fourteenth year of the said Reign, intituled *An Act in addition to and in amendment of the Acts now in force for the collection and protection of the Revenue of this Province*; and an Act made and passed in the said last mentioned year, intituled *An Act in amendment of an Act, intituled 'An Act for the better prevention of Illicit Trade'*; provided always, that nothing in this Act contained shall extend to repeal any of the said recited Acts, so far as the said Acts may repeal any of the former Act or Acts, or so far as repeals any act, matter or thing heretofore done under and by virtue of the said recited Acts; and provided that every such act, matter or thing heretofore done under and by virtue of the said recited Acts, shall be and continue valid and effectual, and of the like force and effect as if this Act had not been made and passed; and the right of recovering any duties, penalties and forfeitures imposed, inflicted or incurred under the provisions of the said recited or any former Act or Acts relating to the collection of

Repeal of Acts,

11 V. c. 2,

11 V. c. 67,

13 V. c. 8,

14 V. c. 11,

14 V. c. 40.

Exceptions.

of

of the Revenue of this Province, and all securities taken therefor, are hereby expressly saved in the same manner and to the same extent as if this Act had not been made and passed.

Neither this Act nor 14 V. c. 5, to affect Act 11 V. c. 66.

92. Nothing in this Act or in an Act made and passed in the fourteenth year of the Reign of Her present Majesty, Queen Victoria, intituled *An Act for imposing Duties for raising a Revenue*, contained, shall be considered or construed as repealing or in any way affecting an Act made and passed in the eleventh year of the Reign of Her present Majesty, Queen Victoria, intituled *An Act to regulate the importation of Books and to protect the British Author*; but the same shall remain in full force in all respects as if this and the said recited Act had never been made or passed, anything in this or the said recited Act to the contrary notwithstanding.

Governor in Council may in certain cases cancel bonds given for duty on exported goods.

93. ' And whereas it is desirable to vest the Governor in Council with power ' in certain cases to cancel and discharge bonds that have been given under the ' thirty fifth section of the Act of 11th Vic. Cap. 2, hereby repealed, or that may ' hereafter be given under the provisions of this Act for the Duties on goods that ' have been or may hereafter be exported from the Province, and which bonds are ' not to be cancelled and given up unless a certificate of the landing of such goods, ' signed as in the said section is directed, shall be produced within a reasonable ' time; and whereas in many cases, for the want of an officer or authority of the ' description in the said section mentioned, at the port or place to which such goods ' have been exported, the requisite certificates cannot be obtained, although the ' goods have been *bona fide* exported and landed; From and after the passing of this Act it shall and may be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to order such bonds to be cancelled and given up in all cases where it shall be made to appear to the satisfaction of the Treasurer of the Province, or the Deputy Treasurer of the port or place in this Province, other than the Deputy Treasurer at the City of Saint John, from which the goods have been exported, to be certified by such Treasurer or Deputy Treasurer, with the proof or evidence upon which such certificate shall be granted, to the Lieutenant Governor in Council, that the goods exported for which any bond or bonds for the duties thereof have or may be given, have been duly exported and *bona fide* landed in or at the place out of the bounds of this Province for which such goods have been entered and cleared for exportation, and that owing to no fault on the part of the owner or shipper of such goods the requisite certificates of such landing have not been procured.

Commencement of Act.

94. This Act shall come into operation and be in force from and after the thirty first day of March in the year of our Lord one thousand eight hundred and fifty two.

Limitation.

95. This Act shall continue and be in force for ten years.

CAP. XXIX.

Not repealed

An Act to make provision for the construction of a Great Trunk Line of Railway from Halifax to Quebec.

Passed 30th March 1852.

Preamble.

' **W**HEREAS the formation of a Great Trunk Line of Railway from Halifax ' to Quebec, through British Territory, would consolidate and strengthen ' the Provinces of British North America, develope their resources, settle their waste ' lands, multiply their social and commercial relations, and afford increased facilities ' for rapid inter-communication with the British Islands, and with all parts of this ' Continent: And whereas it is anticipated that Her Majesty's Government will advance

See also S. C. 41, Page 93, of the Book.

advance or guarantee the funds required to construct this work on certain conditions ;

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

1. Whenever the funds necessary for the purpose shall be raised by loan or guarantee under the authority of the Parliament of the United Kingdom, or advanced as a loan to the Provinces of Canada, Nova Scotia and New Brunswick, under such authority, or subscribed or loaned by Corporations or individuals, as hereinafter provided, either wholly or in part, it shall be lawful for the Lieutenant Governor in Council to enter into such arrangements as may be deemed conducive to the interests of this Province, with the Government of the United Kingdom, and with the Governments of Canada and Nova Scotia, for the construction of a Great Trunk Line of Railway from the Harbour of Halifax, in Nova Scotia, to some point opposite the City of Quebec ; to be located on a line commencing at or near Point Levi, opposite Quebec ; thence down the Saint Lawrence to or near to the River de Loup or Trois Pistoles ; and thence traversing in its main course on British territory watered by the tributaries of the River Saint John, to the City of Saint John ; thence following on or near the proposed route of the European and North American line of Railway to the northern boundary of Nova Scotia, on the Isthmus between the Bay of Fundy and the Gulf of Saint Lawrence ; and thence through Nova Scotia to Halifax, on any line that may be found most eligible.

Authority to make arrangements with the Imperial Government, Canada and Nova Scotia, for the construction of a Line of Railway from Halifax to Quebec.

2. The said Great Trunk Line of Railway shall be constructed by this Province, in conjunction with the Provinces of Canada and Nova Scotia, in the following proportions, that is to say : The Province of Nova Scotia to make provision for and contribute to the construction of the whole line three twelfths ; Canada four twelfths ; and this Province five twelfths ; each Province bearing the hazard and sharing the profits of the whole enterprize in the like proportions.

Proportions of Line to be constructed by each of the Provinces.

3. For facilitating the arrangements, all the right and title of Her Majesty in this Province in the ungranted lands within this Province, lying within five miles of each side of the said Great Trunk Railway, are hereby placed at the disposal of the Lieutenant Governor in Council, to be appropriated, pledged, or otherwise dealt with as may be thought best for the interest of the Province with regard to such arrangements as aforesaid ; it being understood and hereby declared that the Legislature of this Province will confirm and give effect to such further enactments as may be necessary to carry out any arrangements or agreements which may be made by the Lieutenant Governor in Council, in the spirit and for the purpose of this Act.

Title to ungranted lands within five miles of the roads placed at the disposal of the Governor in Council.

4. Whenever the Governments of Canada, Nova Scotia and this Province shall have determined on and provided for the construction of the work contemplated by this Act, it shall be lawful for the Lieutenant Governor in Council to appoint so many Commissioners as may fairly and proportionably represent the interest of this Province in such work, with full powers to construct and manage such work, in conjunction with Commissioners to be appointed by the Governments of Canada and Nova Scotia ; provided that no Member of the Legislature, not being a Member of the Executive Government, shall be appointed a Commissioner under this Act.

Commissioners to be appointed to construct the road.

5. It shall not be lawful for any Member of the Legislature to hold or be appointed to any office of emolument under the Commissioners, or be a contractor or party to any Contract arising out of the construction, management or working of the said Road or any part thereof.

No Member of the Legislature to hold office under the Commissioners.

6. It shall be lawful for the Lieutenant Governor, by and with the consent of the Executive Council, by Warrants on the Provincial Treasurer, to pay out of the funds

Authority to draw money from the Treasury to defray expenses.

funds to be raised or advanced for the purpose, such sums as may from time to time be required to defray the proportion of expenses of making the said Railway to be incurred by this Province under any arrangement as aforesaid, or any other expenses which under such arrangement are to be borne by this Province.

Authority to enter on and take possession of lands for the Railway.

7. The Commissioners are authorized to enter upon to survey and to take possession of any land required for the tract of the Railway, or for Stations, and they shall lay off the same by metes and bounds, and record a description and plan thereof in the Registry of Deeds for the County in which the lands are situate; and the same shall operate as a dedication to the public of such lands; but the lands so taken shall not be less than four nor more than eight rods in breadth for the tract, nor more than five acres in extent for any station.

Authority to enter on lands and take gravel, trees, &c.

8. The Commissioners may enter with workmen, carts, carriages and horses, upon any lands necessary for the purposes of this Act; and therefrom, for the making of such Railroad, dig up and carry away stones and gravel, and cut down and carry away any trees, bushes, logs, poles and brushwood.

An agreement may be made for damages.

9. The Commissioners may make an agreement in writing with the proprietors of the land so taken or entered upon, for damages, and fencing where such fencing shall be considered requisite by the Commissioners, and also for materials for the road taken from any lands.

Where no agreement is made, damages to be appraised.

10. Where no agreement shall be made, one appraiser shall be appointed by the Commissioners, a second by the persons interested in the lands, and on their default, after three days notice by such Commissioners, such two shall choose a third appraiser; and the appraisers shall be sworn before any Justice of the Peace to the faithful discharge of their duty; and they or any two of them shall make a valuation as to damages for lands, and for fencing when requisite, or materials taken from any land, which valuation shall be in writing and shall be final.

Railway benefits to go in diminution of damages.

11. In making such arrangement or appraisal, the benefit likely to be derived by the proprietor from the Railway running through his land, shall be taken into consideration, and the damage thereby reduced or extinguished.

Authority to purchase rights of other Railway Companies whose works may be adopted as part of the Main Line.

12. The Commissioners, with the consent of the Lieutenant Governor in Council, shall have power to treat and agree with any Corporation or Railroad Company for the purchase or use of the whole or any part of their respective Railroads, rights and property, which it may be found expedient to adopt as part of the said Main Trunk Line of Railway, and to pay such sum as may be agreed upon as compensation for any such Railroad or portion thereof, rights or property, out of any moneys which might be applied to making part of the said Main Trunk Line of Railroad at the same place; and the Directors of the said Companies respectively shall have full power and authority to treat and agree with the said Commissioners for any of the purposes aforesaid; and to receive the compensation that may be agreed upon; and to give a valid discharge for the same; and to surrender and convey to Her Majesty, for the public uses of the Province, such Railroad, or part thereof, rights or property as aforesaid, which shall thereafter be vested in Her Majesty for the uses aforesaid; provided always, that nothing herein contained shall be construed to affect or impair any right now vested in Her Majesty to take the said Railroads, or either of them, or any of the rights or property of the said Companies, or either of them, under any Act incorporating such Company, or amending the Act incorporating the same.

Accounts of receipts and disbursements to be rendered.

13. The Executive Government shall Quarterly, or as often as they may deem necessary in each and every year, call upon the Commissioners for detailed accounts of their proceedings, receipts and disbursements; and they shall annually and within fifteen

fifteen days after each meeting of the Legislature, lay before both Branches thereof full and detailed accounts of such proceedings, doings, expenditures, receipts and disbursements for, concerning, or on account of the said work.

14. The Executive Government, in the first instance, to fix the rate of Salary for the respective Commissioners appointed for the Province, subject to the revision and confirmation of the Legislature at its first session thereafter.

Salaries of the Commissioners.

15. If any Corporation or individual shall desire to invest moneys in the Railway fund applicable to the construction of this work, at their own risk, sharing with the Government the hazard and the profit of the enterprize, it shall be lawful for the Provincial Treasurer to issue Scrip in sums not less than twenty five pounds, bearing no interest, but entitling the holder to a share proportioned to his investment in the tolls and revenues of the road.

Investments of money in the Railway fund by Corporations or individuals.

16. Any person desiring to invest on the credit of the Province, moneys in the Railway fund applicable to the construction of this work, may pay any amount not less than twenty five pounds to the Provincial Treasurer, under the same guards and regulations as now secure the moneys invested in the Savings Banks; provided that the rate of interest to be paid on such instalments shall be the same as the Province pays for the loans advanced by Her Majesty's Government.

Investments on the credit of the Province.

17. Whenever the Railway shall be completed from Halifax to Quebec, it shall be lawful for the Lieutenant Governor in Council to make, in conjunction with the Governments of Canada and Nova Scotia, such arrangements as may be suitable for working the Railway as one line by a common management; such arrangement to be submitted to both Branches of the Legislature at the Session then next ensuing.

After completion arrangement may be made for a joint management.

18. The total sum to be raised for the purposes of this Act upon the credit of the Revenues of this Province shall never exceed in the whole the sum of one million five hundred thousand pounds sterling.

Not more than £1,500,000 sterling to be raised.

Not repeated CAP. XXX.

An Act for raising, by way of Loan, Funds for the construction of a Great Trunk Line of Railway from Halifax to Quebec.

Passed 30th March 1852.

6 **W**HEREAS Her Majesty's Government is disposed, on certain conditions, to recommend to Parliament that the credit of the United Kingdom may be made available to enable the Provinces of Canada, New Brunswick, and Nova Scotia, to raise, upon advantageous terms, the funds necessary for the construction of a Line of Railway from Halifax, in Nova Scotia, through British Territory, to Quebec, in the Province of Canada: And whereas the General Assembly of this Province hath, during the present Session, passed an Act for the construction of a certain proportion of said Railway, provided the necessary funds shall be raised under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under such authority;

Preamble.

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

1. The sum for defraying the expenses of constructing, building and completing such proportion of the Railway from Halifax to Quebec as will have to be made by this Province under the provisions of an Act passed in the present Session, intituled *An Act to make provision for the construction of a Great Trunk Line of Railway from Halifax to Quebec*, may be raised and borrowed under any Act which may hereafter be passed by the Imperial Parliament, authorizing the advance of moneys to this Province from the Treasury of the United Kingdom, or guaranteeing the repayment of the sums borrowed, with the dividends and interest thereon,

Money for constructing the Railway from Halifax to Quebec may be raised under an Act of the Imperial Parliament.

In S. S. C. 41. Chap 93 of this Book -

or providing in any other way for using the credit of the United Kingdom to raise the necessary funds on advantageous terms for the purposes aforesaid; the sums so raised not to exceed one million five hundred thousand pounds sterling, and to be applied solely to said purpose.

The money may be borrowed on Loan Debentures: dividends and interest charged on the profits and then on the general Revenue of the Province.

2. Such sums may be raised and borrowed under and subject to the provisions of any such Act of the Imperial Parliament, by Loan Debentures or otherwise; and the dividends and interest thereon are hereby charged, in the first place, on the profits accruing to this Province from such Railway, and in the second place, on the general Revenues of this Province, after any previously existing debts of the Province, and payments on account of the Civil List settled on Her Majesty by laws now in force.

The profits of the Railway and proceeds of lands under 15 V, c 29 to constitute a sinking fund.

3. For creating a sinking fund for payment of the loan to this Province, if required by the Imperial Government, the profits of the Railway accruing to this Province shall, after deducting interest, repairs, working and incidental expenses, to be allowed as such by Her Majesty's Government, and also the proceeds arising from the sale and leasing of the Lands appropriated by the third section of the Act passed at this present Session, intituled *An Act to make provision for the construction of a Great Trunk Line of Railway from Halifax to Quebec*, shall be set apart, and shall form such sinking fund.

Receipt and disbursement of the principal.

4. The principal sums so to be raised and borrowed shall be received by the Province Treasurer, who shall, upon the Warrants of the Lieutenant Governor, by and with the advice and consent of the Executive Council, pay out of the same such sums as may from time to time be required for carrying out the Act of this Session hereinbefore referred to; and such Treasurer shall also upon the Warrants of the Lieutenant Governor pay the dividends and interest upon the sums so raised and borrowed; and the sinking fund shall be paid and managed in such manner, for the redemption and liquidation of the principal sums, as shall be agreed upon and negotiated when the principal sums shall be raised and borrowed; or if there be no agreement in that behalf, then in such manner as the Lieutenant Governor in Council shall from time to time direct and appoint, subject however to the provisions of this Act; and it is hereby declared that the Legislature of this Province will confirm and carry out, by such enactments as may be necessary, any arrangement or agreement consistent with the spirit of this Act, and of the Act of this Session hereinbefore referred to, which may be made or authorized by the Lieutenant Governor in Council, with regard to the raising and borrowing the sums aforesaid, under the provisions of any Act to be passed by the Imperial Parliament.

Management of the sinking fund.

5. The Province Treasurer shall before each Session of the Legislature transmit to the Lieutenant Governor, for the purpose of being laid before the two Houses of the Legislature, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures and other securities which shall have been issued, and of the dividends and interest paid thereon, and of the sinking fund, and of the redemption of the whole or any part of the principal sum by means of the sinking fund or otherwise, and of the expenses attending the negotiation, management, payment and redemption of the loan.

Detailed accounts to be rendered by the Provincial Treasurer for the Legislature.

6. The due application of the moneys raised under the authority of this Act shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty shall direct; and an account thereof shall be laid before both Houses of the Legislature within fifteen days after the opening of the Session next after such expenditure.

Application of moneys to be accounted for to Her Majesty through the Lords of the Treasury.

7. ' And whereas for the maintenance of the credit and good faith of this Province ' it is indispensable that the annual revenues from all sources should never fall short ' of the amount collected in the present year, while any portion of the loan contem- ' plated by this Act remains due and unpaid; ' Until the moneys advanced or guar- ' anteed by the Imperial Government shall have been repaid, or until the Railway built with the same shall yield a net income sufficient to pay the interest upon the moneys to be borrowed under the provisions of this Act, the Tariff of the year one thousand eight hundred and fifty one shall form the basis of the Revenue Laws of this Province, and shall not be varied or changed so as to diminish the amount of security which it is the intention and meaning of this Act should be pledged to Her Majesty's Government; but nothing herein contained shall be construed to prevent the Legislature from annually revising particular duties comprised in such Tariff, or from making regulations in respect to Trade and the protection of the Revenue, due care being taken that any alterations to be made shall not diminish the net income of the Province below the amount collected in the year one thousand eight hundred and fifty one; and changes which may so operate shall, before becoming law, be reported to and approved of by Her Majesty's Government.

The Tariff of the year 1851 not to be varied so as to diminish the security granted by this Act.

See R. L. Vol. 1. Page 484

CAP. XXXI.

In further provision thereof

An Act in amendment of and in addition to the Act relating to the definition of offences and the punishment thereof.

R. L. Vol. 1. Page 410. &c. &c.

Passed 30th March 1852.

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

1. The following Sections and Articles of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the several Acts of Assembly relating to the Criminal Law of this Province so far as relates to the definition of offences and the punishment thereof*, that is to say :—Article 2 of Sub-Chapter III., Article 6 of Sub-Chapter V., Article 4 of Section 2 of Sub-Chapter VII., Article 16 of Section 2 of Sub-Chapter VII., Article 17 of Section 2 of Sub-Chapter VII., Article 16 of Section 1 of Sub-Chapter IX., Section 4 of Sub-Chapter IX., Article 1 of Section 1 of Sub-Chapter X., Section 2 of Sub-Chapter X., and Article 1 of Sub-Chapter XI., are hereby repealed; provided always, that as regards any offence perpetrated before the passing of this Act, and also as regards any offence perpetrated in part by any act done prior thereto, and which offence shall be completed or consummated on or after the passing hereof, the offender shall be punished as if this Act had not been passed; and nothing in this Act contained shall extend or be construed to extend to affect or annul any proceeding, conviction, judgment, sentence or commutation of punishment heretofore or which before the passing of this Act may be commenced, had, made, passed or allowed under and by virtue of any Section or Sections, Article or Articles hereby repealed, but all such proceedings, convictions, judgments, sentences and commutations of punishment, may be continued and proceeded in, and shall be as valid and effectual as if the Sections and Articles hereby repealed, continued and remained in full force and effect.

12 V. c. 29, in part repealed.

Reservation. Offence committed.

Proceedings, convictions, judgments or commutation of punishment.

2. Any person who shall be lawfully convicted of Adultery by any Court of Oyer and Terminer or General Gaol Delivery in this Province shall be adjudged guilty of a misdemeanor, and shall be liable to be fined or imprisoned in the discretion of the Court; provided, that if fined, in a sum not exceeding one hundred pounds, and if imprisoned, for a term not exceeding two years.

Adultery a misdemeanor, punishable by fine or imprisonment.

Incest a
misdemeanor.

3. Any person who shall be lawfully convicted of Incest in any Court of Oyer and Terminer or General Gaol Delivery in this Province, shall be adjudged guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Malicious
destruction of
specified public or
private buildings.

4. If any person or persons shall unlawfully, maliciously and with force and against the will of the owner or owners, occupier or occupiers thereof demolish, pull down or destroy, or begin to demolish, pull down or destroy any Church, Chapel or Meeting House, for the exercise of any mode or form of religious worship, or any house, stable, coach house, out house, warehouse, office, shop, mill, malt house, barn or granary, or any building or erection used in carrying on any trade or manufacture or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any school house, work shop, or any farm building or buildings, or any court house, gaol or lock-up house, market house, mechanics' institute, or any hall or building of any kind, whether owned or occupied by any society of persons incorporated or not, or by a private individual or individuals, and used in whole or in part for public meetings or other purposes of a public nature, or any public bridge, every such person or persons shall be guilty of felony, and on being lawfully convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Attempt to cause
grievous bodily
harm.

5. Whosoever shall maliciously, by any means manifesting a design to cause grievous bodily harm, attempt to cause grievous bodily harm to any other person, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding four years.

Assault and
battery with intent
of felony.

6. Whosoever shall commit an assault and battery upon any person with intent to commit a felony, shall be deemed guilty of a felony, and shall be liable to be imprisoned for any term not exceeding two years, and fined, if the Court shall so direct.

Conviction of
assault on trial
for felony.

7. Whosoever on a trial for any felony whatever, which shall include an assault, shall be convicted of an assault only, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding three years, or fined, in the discretion of the Court.

Stealing,
destroying, &c.
any valuable
security.

8. Whosoever shall steal, or for any fraudulent purpose destroy, conceal or make away with any valuable security, shall be guilty of felony, and shall be liable to be imprisoned for any term not exceeding seven years and not less than one year.

Unlawful receiving
or having in
possession articles
stolen or obtained
on false pretence.

9. Whosoever shall wilfully and unlawfully receive or have in his possession or keeping any thing which shall have been stolen or obtained by any false pretence, or which shall have been embezzled, knowing the same to have been so stolen, obtained or embezzled, shall, in case the stealing, obtaining or embezzling of such thing shall amount to felony, be deemed guilty of felony, and shall be liable to be imprisoned for any term not exceeding seven years, and shall, in case the stealing, obtaining or embezzling of such thing be a misdemeanor, be deemed guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Knowingly forging,
altering or uttering
writings, &c.
without the consent
of the owner.

10. Whosoever shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any writing, or clandestinely and without the consent of the owner thereof, make any indorsement on any written instrument, with intent to defraud any person whomsoever, shall be deemed to have committed the crime of forgery, and shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

11. Whosoever shall be charged with and convicted of the false making or counterfeiting of any coin, or of uttering any counterfeited coin, knowing the same to be counterfeit, or of the false making of any pieces of metal or metal composition of any kind, whether counterfeited or not, with the intention of passing such pieces of metal or metal composition as legal coin, or money of any kind, or pieces of metal not the current coin of the Province, or of uttering, offering, disposing or putting off any pieces of metal or metal composition as and for the legal or current coin of the Province, knowing the same to be false, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Counterfeiting coin or metal to pass as current money, or uttering the same.

12. Whosoever shall maliciously set fire to any Church, Chapel or Meeting House, for the exercise of any mode or form of religious worship whatever, or shall maliciously set fire to any house, court house, gaol or lock-up house, market house, mechanics' institute, or to any hall or building of any kind, whether owned or occupied by any society of persons incorporated or not, or by a private individual or individuals, and used in whole or in part for public meetings or other purposes of a public nature, or any school house, stable, wood house, out house, warehouse, office, shop, mill, malt house, barn or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, or to any work shop, or any farm building, or any building or erection used in farming land, whether the said houses or buildings, or any of them, shall respectively then be in the possession of the offender or in the possession of any other person, or shall maliciously set fire to any public bridge, shall, in each and every of the said cases, be guilty of felony, and shall be liable to be imprisoned for any term not exceeding fourteen years.

Maliciously setting fire to specified public and private buildings.

13. Whosoever shall maliciously attempt to set fire to any dwelling house, Church, Chapel or Meeting House, for the exercise of any mode or form of religious worship whatever, or shall maliciously attempt to set fire to any house, court house, gaol or lock-up house, market house, mechanics' institute, or to any hall or building of any kind, whether owned or occupied by any society of persons incorporated or not, or by a private individual or individuals, and used in whole or in part for public meetings or for other purposes of a public nature, or to any school house, stable, wood house, out house, warehouse, office, shop, mill, malt house, barn or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, or to any work shop, or any farm building, or any building or erection used in farming land, whether the said houses or buildings, or any of them, shall respectively then be in the possession of the offender or in the possession of any other person, or shall maliciously attempt to set fire to any public bridge, shall, for each and every such attempt, be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding seven years in the discretion of the Court.

Maliciously attempting to set fire to specified public and private buildings.

14. It shall be lawful for the jury on the trial of any person or persons for the setting fire to any of the buildings or erections described in the twelfth section of this Act, to acquit of the felony charged in the indictment on such trial, and to find a verdict of guilty of an attempt to commit the same, if the evidence shall warrant such finding, and the offender shall thereupon be liable to the punishment imposed by the thirteenth section of this Act.

Jury may acquit of setting fire, and find guilty of attempting to set fire.

15. All the Articles of Sub-Chapter XII. of the Act to which this Act is in addition and amendment, containing definition of terms and explanations, shall be held to apply to all the offences and punishments specified in this Act according to the subject matter, in the same manner and to the same extent as if the said

Interpretation clause.

Articles of sub-chapter XII. of 12 V. c. 29 to apply to this Act.

Sub-chapter.

said offences and punishments were therein and thereby enacted, so far as the same are applicable to this Act; and the term "Sub-Chapter," whenever used in this Act, shall be construed as referring to the several and respective Chapters embraced within Chapter XXIX. of twelfth Victoria, to which this Act is in addition and amendment.

See R. Laws, Vol. 1. Page 484. Repealed

CAP. XXXII. *See further P. L. Vol. 1. Page 344*

13 V. c. 35.

An Act to continue an Act to amend an Act intituled *An Act to provide for the more summary punishment of persons committing trespasses upon Square Timber and other Lumber.*

Passed 30th March 1852.

Act 13 V. c. 35, continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to amend an Act intituled 'An Act to provide for the summary punishment of persons committing trespasses upon Square Timber and other Lumber,'* be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

See R. Laws, Vol. 1. Page 484. Repealed

CAP. XXXIII. *See further P. L. Vol. 1. Page 54*

13 V. c. 48.

An Act to amend an Act intituled *An Act to consolidate and amend the Laws relating to Sick and Disabled Seamen belonging to this Province not being Paupers.*

Passed 30th March 1852.

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

No vessel to pay the duty imposed by 13 V. c 48, more than six times per annum.

1. In addition to the proviso contained in the fourth section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Sick and Disabled Seamen belonging to this Province not being Paupers,* it is hereby further provided, that no ship or vessel shall be liable to pay the Duty imposed by the said section of the said Act more than six times in any one year, any thing in the said Act contained to the contrary notwithstanding.

Master, &c. of vessels authorized to take from the wages of every articled seaman, &c. one shilling per month to cover the tonnage duty.

2. The master, owner or consignee of any ship or vessel owned in this Province may and they are hereby authorized and empowered to demand and take from the wages of every master, seaman or other person employed and articled for the management and navigation of any such ship or vessel, the sum of one shilling currency per month, to cover the amount of the Tonnage Duty imposed by or arising in and by virtue of the said hereinbefore mentioned Act.

See R. Laws, Vol. 1. Page 484. Repealed

CAP. XXXIV. *See further P. L. Vol. 1. Page 161.*

An Act to establish the Road leading from the Great Road running from Woodstock to the Grand Falls, at or near John Boyer's in the Parish of Simonds, County of Carleton, to the American Line on the Big Presqu'ile, as one of the Great Roads of communication.

Passed 30th March 1852.

Road from Woodstock to the Grand Falls, thence to American line on the Big Presqu'ile, made a Great Road.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from the Great Road running from Woodstock to the Grand Falls, at or near John Boyer's in the Parish of Simonds, County of Carleton, to the American Line on the Big Presqu'ile, be and the same is hereby established one of the Great Roads of communication in this Province.

See N. Laws. Vol. 1. Page 484.

CAP. XXXV. *Repealed*

An Act to erect part of the Parish of Andover, in the County of Victoria, into a separate Parish.
Passed 30th March 1852.

Augustine
N. L. Vol. 1
Page 14.

WHEREAS great inconvenience is found to exist in consequence of the extended bounds and increased population of the Parish of Andover, in the performance of the several parochial duties in the manner by law required, and it is therefore deemed expedient that the same be divided into two Towns or Parishes;

Preamble.

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

1. From and after the first Tuesday in January next, all that part of the present Parish of Andover which lies to the northward of the River Restook, and that part of the present Parish of Perth which lies to the northward of a line to run due east from the northwest angle of the Tobique Indian Reserve, shall be and the same is hereby erected into a separate Town or Parish, to be called the Town or Parish of "Grand Falls."

Herein described part of Andover made a separate Parish, by the name of "Grand Falls."

2. The several Parish Officers for the said Town or Parish of Grand Falls shall be elected or appointed in the manner provided for by an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, and shall in all respects be subject to and come within the provisions of the said recited Act.

Officers to be appointed as in 13 V. c. 30.

3. Any two Justices of the Peace for the said County shall and may appoint a fit and proper person, residing within the limits of the said Parish of Grand Falls, to act as Town or Parish Clerk for the said Parish of Grand Falls for the election of Parish Officers, agreeably to the provisions of the said recited Act, for the first year after this Act comes into operation.

Interim appointment of Town Clerk.

4. Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent the recovery of any Parish or other dues, assessments, taxes, penalties, fines or moneys whatsoever which may be due, incurred, forfeited or unpaid when this Act shall go into operation, but the same shall and may be paid and recovered in like manner as if this Act had not been made.

Act not to prevent the recovery of Parish rates.

As above

CAP. XXXVI. *Repealed*

An Act for the erection of a new Parish in Queen's County.

Passed 30th March 1852.

WHEREAS it is desirable for the more convenient performance of the duties of Parish Officers to separate certain portions of what now constitute parts of the Parishes of Waterborough, Johnston and Wickham, in Queen's County, and to erect the same into another Town or Parish;

As above
Preamble.
Page 9.

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

1. All those parts of the said Parishes of Waterborough, Johnston and Wickham, which fall within the following described boundaries, that is to say:— Beginning on the eastern side of the River Saint John at the southwest angle of Lot number fifteen, formerly granted to Isaac Gilbert, thence following the course of the lower or southern line of said Lot number fifteen until it meets the waters of the Grand Lake, thence across the waters of the Grand Lake to the most westerly angle of the Lot number two at Mill Cove, granted to Vincent White, thence southeasterly in a direct line to the southern angle of Lot number twenty five on the Washademoac Lake, granted to Richard Samuel Clarke, thence by the

Herein described parts of Waterborough, Johnston and Wickham erected into a separate Parish, to be called "Cambridge."

the waters of the Washademoac Lake and through the White passage, so called, to the northern entrance of the said Washademoac Lake into the River Saint John, and thence following the shore of the River Saint John to the place of beginning, be and the same are hereby erected into a separate and distinct Town or Parish, to be called, known and distinguished by the name of the Town or Parish of "Cambridge," any law, usage or custom to the contrary thereof notwithstanding.

Appointment of Parish Officers.

2. The Justices of the Peace for the said County, at a Special Session for that purpose to be convened at an early day after the passing of this Act, shall appoint Parish Officers to serve for the current year for the said Town or Parish of Cambridge, or until the time for the election of Parish Officers for the different Parishes in said County for the succeeding year shall have arrived, when the officers of said Parish of Cambridge shall be elected and appointed in the manner now required by law; which officers so appointed for the present year by the said Justices shall be subject to the same laws and regulations, and liable to the same penalties in all respects as Parish Officers in other Parishes are or may be subject or liable to.

Act not to prevent the recovery of Parish or other assessments.

3. Provided always and be it enacted, that nothing in this Act contained shall extend or be construed to extend to prevent the recovery of any Parish or other dues, assessments, taxes, penalties, fines or moneys whatsoever which may be due, incurred, forfeited or unpaid when this Act shall go into operation, but the same shall and may be paid and recovered in like manner as if this Act had not been made.

Nor interfere with the rights, &c. of the Rector of Waterborough.

4. Nothing in this Act contained shall prevent or be construed to prevent the present Rector of the said Parish of Waterborough from the exercise and enjoyment of all the rights, privileges and emoluments he has heretofore as such Rector enjoyed, in as full and ample a manner during his incumbency as if the said Parish of Waterborough had not been divided, any thing in this Act contained to the contrary notwithstanding.

CAP. XXXVII.

An Act to amend the Act imposing Duties to raise a Revenue.

Passed 7th April 1852.

Preamble.

14 V. c. 5.

WHEREAS by an Act passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act imposing Duties for raising a Revenue*, a Duty of two pence per bushel was imposed on every bushel of Wheat imported into this Province: And whereas at the close of the last Session of the Legislature a Resolution was passed in the Assembly, and concurred in by the Legislative Council, that all Duties would be refunded which should be paid on Wheat under the operation of the said Law: And whereas to relieve the trade of the country and save unnecessary trouble, it has not been thought advisable to exact the payment of such Duties;

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

Duty on Wheat remitted.

1. All Wheat imported or taken out of Bond for use since the passing of the said recited Act, shall be deemed legally imported and delivered out of Bond, notwithstanding the Duty mentioned in the said recited Act shall not have been paid.

Duty repealed.

2. The said Duty on Wheat in the said recited Act mentioned is hereby repealed.

CAP

CAP. XXXVIII.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.
Passed 7th April 1852.

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

1. There shall be allowed and paid out of the Treasury of the Province to such persons as His Excellency the Lieutenant Governor or Administrator of the Government for the time being shall appoint, in addition to the sums already granted, the following for the purposes hereinafter mentioned, that is to say:—

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the following sums for the Great and other Roads, for building and repairing Bridges, and for opening and improving Roads to and in new Settlements, viz:—

One thousand four hundred pounds from Saint John to Nova Scotia Line; six hundred pounds of this sum to be expended between Saint John and Hayward's Mills; fifty pounds on the old Westmorland Road, from the Cemetery towards and past Tisdale's farm house; fifty pounds on the old Westmorland Road, in King's County; and the remainder, seven hundred pounds, from Hayward's Mills to the Nova Scotia Line; twenty pounds of which to be expended on the Aboideau over Fox Creek; and such sum as the Supervisor may find necessary to be paid the Commissioners of Sewers, in part towards keeping the Aboideau over the AuLac in repair; and such part of the said Grant to be expended on the old Tantamar Road as may be found necessary to keep the same in repair.

Seven hundred and fifty pounds from Fredericton to Saint John, via Nerepis; fifty pounds of which to be expended by the Mayor, Aldermen and Commonalty of the City of Saint John in repairing the Approaches to the Ferry Landings in Carleton.

Six hundred pounds from Saint John to Saint Andrews; fifty pounds of which to be expended by the Mayor, Aldermen and Commonalty of the City of Saint John in repairing the Approaches to the Ferry Landings in Carleton; and ten pounds to be paid Charles Laud for carrying the Road through his improved Lands.

Forty pounds from Nerepis to Gagetown.

Fifty pounds from Dorchester to Shediac.

Seventy five pounds from Shediac to Petitcodiac.

Three hundred pounds from Richibucto to Chatham.

Three hundred pounds from Newcastle to Bathurst, to be expended as follows: one hundred and fifty on the new line from Dixon's to Currie's, and the remaining one hundred and fifty from Currie's to Bathurst; out of which last mentioned sum, five pounds to be paid Robert Smith for ferrying Her Majesty's Mails across the Nepisiquit River the past year.

One hundred pounds from Bathurst to Belledune.

Five hundred and fifty pounds from Belledune to Metis Road.

Nine hundred pounds from Fredericton to Woodstock.

Nine hundred pounds from Woodstock to Arestook; out of which two hundred and fifty pounds to be expended on the Bridge over Maduxnikik River.

Sixty pounds from Arestook to Grand Falls.

Money granted for
Roads and Bridges,
viz:

St. John to
Nova Scotia.

Fredericton to
Saint John.

Saint John to
Saint Andrews.

Nerepis to
Gagetown.

Dorchester to
Shediac.

Shediac to
Petitcodiac.

Richibucto to
Chatham.

Newcastle to
Bathurst.

Bathurst to
Belledune.

Belledune to Metis.

Fredericton to
Woodstock.

Woodstock to
Arestook.

TWO Arestook to
Grand Falls.

Fredericton to
Finger Board.

Two hundred pounds from Fredericton to Finger Board ; fifty pounds of which to be expended in making an alteration, via Coates' Mill ; twelve pounds eighteen shillings of which to be paid N. Hubbard, the present Supervisor of that Road, for services and expenses in exploring the same Road in one thousand eight hundred and fifty one.

Bellisle to
Scribner's.
Fredericton to
Newcastle.

Fifty pounds from Bellisle to Scribner's.

One thousand pounds from Fredericton to Newcastle, including Bridges already contracted for ; five pounds of which to be paid to William O'Brien for ferrying the Mails two years across the Renous River, one thousand eight hundred and fifty and one thousand eight hundred and fifty one ; twenty pounds to John Wilson for ferrying the Mails across the North West Miramichi the past year.

Fredericton to
Saint Andrews.

Three hundred pounds from Fredericton to Saint Andrews.

Salisbury to
Harvey.

Five hundred pounds from Salisbury to Harvey ; three hundred and fifty of which to be expended between the Great Road in Salisbury and the Court House in Hopewell.

Shediac to
Richibucto.

Nine hundred pounds from Shediac to Richibucto.

Waweig to
Saint Stephen.

One hundred pounds from Waweig to Saint Stephen, including Bridge.

Woodstock to
Houlton.

Sixty pounds from Woodstock to Houlton.

Oromocto to
Gagetown.

Fifty pounds from Oromocto to Gagetown.

Oak Bay to
Eel River.

Three hundred and fifty pounds from Oak Bay to Eel River ; two hundred and fifty pounds of which to be expended south of Little Digdeguash Bridge, towards the Baillie Settlement.

Barker's Landing
to Richibucto.

One thousand pounds from Barker's Landing to Richibucto ; out of which, to pay John Ross, the sum of twenty four pounds eleven shillings and five pence, balance due him for over-expenditure in one thousand eight hundred and forty eight on said Road.

Newcastle to
Pittfield's.

Seventy five pounds from Newcastle to Pittfield's ; twenty pounds of which to be expended between Yeaman's Mill and Salmon River ; and five pounds to pay Joseph Blakeney balance due him for over-expenditure.

Grand Falls to
Canada Line.

Six hundred pounds from Grand Falls to Canada Line.

Bathurst to
Miramichi.

Four hundred pounds from Bathurst to Miramichi, via Pokemouche, to be expended as follows:—One hundred and sixty five pounds on that part of the said Road situate in the County of Northumberland ; and the remaining sum of two hundred and thirty five pounds in the County of Gloucester ; out of which last mentioned amount the sum of five pounds to be paid Joseph Terrio for ferrying Her Majesty's Mails across Caraqueet River for the past year.

Saint John to
Quasco.

Two hundred pounds from Saint John to Quasco.

Hampton to
Bellisle.

Twenty five pounds from Hampton to Bellisle.

Cole's Island to
Cape Tormentine.

Two hundred pounds from Cole's Island to Cape Tormentine.

Grand Falls to
Am. Boundary.

Thirty pounds from Lower Landing Grand Falls to American Boundary.

Albert to
Saint John, via
Hammond River.

Five hundred pounds from Albert to Saint John, via Hammond River ; seventy five pounds of which to be expended on the old Westmorland Road, from the Cemetery, past the Nail Factory, towards Golden Grove ; and one hundred pounds of the remainder to be expended between Crooked Creek, in Albert, and King's County Line, through New Ireland Settlement.

One hundred pounds from Isaac Derry's to Point Wolfe.	Isaac Derry's to Point Wolfe.
Seventy pounds from Dead Water Brook to Saint Stephen.	Dead Water Brook to Saint Stephen.
Two hundred and twenty five pounds from Roix's to Oak Bay.	Roix's to Oak Bay.
One hundred pounds from Tisdale's Farm to Loch Lomond.	Tisdale's to Loch Lomond.
Two hundred pounds from Tilley's, in Sheffield, past Pendleton's Mills, to Petitecodiac, and to build a Bridge over the Blind Thoroughfare.	Tilley's to Petitecodiac.
One hundred pounds from Baptist Meeting House, Upham, to Church, Sussex Vale.	Baptist Meeting to Church, Sussex.
One hundred pounds from Lower Trout Brook Bridge to Town of Magaguadavic.	Trout Brook to Magaguadavic.
Three hundred pounds for the repairs on Bathurst Bridge.	Bathurst Bridge.
One hundred pounds from Stoney Creek to David Taylor's; fifty pounds of which to be laid out between Stoney Creek and Lazarus Colpit's.	Stoney Creek to D. Taylor's.
Forty pounds from Dowling's, in Mechanics' Settlement, to Dornan's, in New Ireland.	Mechanics' Settlement to New Ireland.
Twenty pounds for the Bridge on the Road leading to Richard Gross', in Hillsborough.	Bridge to Gross', Hillsborough.
Fifty pounds from William Bennett's to Charles Robinson's.	Bennett's to Robinson's.
Forty three pounds thirteen shillings and four pence from Dennis Gallagher's to Point Wolfe, in the Parish of Harvey.	Gallagher's to Point Wolfe.
Two hundred and fifty three pounds from Belledune to Metis Road.	Belledune to Metis.
Three hundred and twenty pounds towards repairing Bathurst Bridge.	Bathurst Bridge.
Sixty pounds from Nerepis to Gagetown; ten pounds of which to be expended on the old Road leading from Merritt's Farm to Government House.	Nerepis to Gagetown.
Two hundred pounds to build a Bridge over the Blind Thoroughfare on the Road between Tilley's and Pendleton's Mill, in the County of Sunbury.	Tilley's to Pendleton's.
Fifty pounds for the Victoria Road between the Counties of Queen's and Sunbury.	Victoria Road.
One hundred pounds to open the Road from Cole's Island to the New Canaan Settlement on the southeast side of Washademoak River.	Cole's Island to New Canaan.
Sixty pounds for the Douglas Valley Road.	Douglas Valley Road.
Twenty pounds from Gagetown to Hampstead.	Gagetown to Hampstead.
Forty pounds from Young's Cove to Washademoak Lake, near John G. Peters'.	Young's Cove to Washademoak.
Thirty pounds from Wiggins' Mill to Wasson's Mill, east side of Grand Lake.	Wiggins' Mill to Wasson's Mill.
Fourteen pounds from Grand Lake to Washademoak Lake, via Colwell's Mill.	Grand Lake to Washademoak.
Two hundred and fifty pounds towards a Bridge over the Hammond River, at Stewart's.	Bridge over Hammond River.
Fifty pounds for a new Road on the west side of Bates' Mill Pond.	Road west side of Bates' Mill Pond.
Thirty pounds from Bates' Mill to Head of Milkish, via Walton's Lake.	Bates' Mill to Milkish.
Thirty pounds from Butternut Ridge to Mill Stream.	Butternut Ridge to Mill Stream.
Thirty pounds from Ketchum's to Lamb's Ferry.	Ketchum's to Lamb's Ferry.

- Campbelton to Pattecake. Thirty pounds from Campbelton to Pattecake.
- Pollet River to Shepody Big Lake. Thirty pounds from Pollet River, Mechanics' Settlement, to Shepody Big Lake or Albert County Line.
- Tabor's to Saint John County Line. Thirty pounds from Noah Tabor's to Saint John County Line, on the Road to Saint Martins.
- Bridge at Tracey's Mills, Oromocto. Ninety eight pounds towards building a Bridge over the North Branch of the Oromocto River, at Tracey's Mills.
- Rowland Crocker & Richard Suttan. Eighty six pounds one shilling and nine pence to remunerate Rowland Crocker and Richard Suttan, balance due them for building a Bridge over Barnaby's River, near Alwood's.
- Ferry Landings, Richibucto, Newcastle and Bathurst Roads. One hundred pounds for building Ferry Landings connecting the Great Road from Richibucto with the Great Road from Newcastle to Fredericton and the Great Road to Bathurst.
- Bridge, Mill Stream Northesk. Ninety pounds to complete the Bridge over the Mill Stream, Northesk, in addition to the Grant of last Session.
- A. Brown, Bridge over Brown's brook. Eleven pounds to pay Alexander Brown balance due him for building a Bridge over Brown's Brook, in Ludlow.
- Road across Murdoch's Marsh. Fourteen pounds thirteen shillings and three pence to make a Road across Murdoch's Marsh, in Chatham.
- J. Goodfellow, Bridge over Shalaly's Brook. Twenty seven pounds five shillings to John Goodfellow, balance due him for building a Bridge over Shalaly's Brook, Northesk.
- J. W. Hurlehoj, approach Landing Tabusintac. Ten pounds to James W. Hurlehoj, balance due him for building approach to the Ferry Landing at Tabusintac.
- Bridge over Barnaby's River. Eighty pounds for a Bridge over Barnaby's River, at the Road from the Semi-wagan Ridge, in Nelson.
- Renous Bridge up Renous River. Fifty four pounds from Renous River Bridge up the east side of the Renous River; one half of which to be expended above Russell's.
- Old Quaco Road. Thirty pounds from County Line near Tabor's Bridge to Quaco, (old Quaco Road.)
- Cronk's Mill Road near T. Bradshaw's. Twenty pounds from Town Plat Road, near Cronk's Mill, in a southeasterly direction, through Mosher Settlement, to Post Road near T. Bradshaw's line.
- Vaughan Creek Road. Fifty pounds for the Vaughan Creek Road, and Bridges thereon.
- Saint Andrews to Negro Town Point. Twenty five pounds from Saint Andrews Road to Negro Town Point, along the City Line.
- Little River to Loch Lomond. Twenty pounds from Little River to Loch Lomond.
- Little River to M'Kenzie's farm. Thirty pounds from Little River to M'Kenzie's Farm, past Calvert's.
- Loch Lomond through Church Land Settlement. Thirty seven pounds ten shillings from Loch Lomond Road, near Bartrim's, through Church Land Settlement.
- Bridge across Mispeck Stream. Thirty five pounds for the Bridge across Mispeck Stream, at M'Kenzie's, and approaches thereto.
- Ball's Mills. Thirty six pounds eight shillings and four pence from Ball's Mills, through Stanley Settlement, by Cape Spencer, through West Beach Settlement.
- A. H. Black, Bridge Vaughan's Creek. Twenty five pounds to Archibald H. Black, in full for extra work and services on Bridge across Vaughan's Creek, contracted for in one thousand eight hundred and forty nine. Fifty

- Fifty pounds for building a Bridge on the Line of Road through Pisarinco Settlement, leading from the Saint Andrews Road at Spruce Lake, to Black Beach, and repairing said Road. Bridge and Road through Pisarinco.
- Fifty pounds from Samuel Wilmot's through Irish Town, via the M'Dougal Settlement, to the Gulf Shore. Wilmot's to Gulf Shore.
- Twenty pounds for the Road over the Marsh near Liffe Allen's. Road over Marsh near Allen's.
- Twenty pounds for the Kouchibouguac Bridge. Kouchibouguac Bridge.
- Forty pounds for Road, Bridges and Aboideaus from Simon White's to David Budrot's, in Dorchester. S. White's to D. Budrot's, Dorchester.
- One hundred and fifty pounds for the Road leading from the Public Road near Morang Tarrio's to Sackville. Tarrio's to Sackville.
- Twenty pounds on the M'Lauchlin Road from the Bend towards Cocagne River. Bend, Cocagne River.
- Twenty pounds towards an embankment to prevent the destruction of the Road by the Tides near Rufus Cole's, and to continue said Road. Embankment near Rufus Cole's.
- Sixty one pounds to build a Bridge over Price's Brook, near Hoar's. Bridge over Price's Brook. Point Migic to Shemogue.
- Thirty pounds from Point Migic to Shemogue. Bridge over Pennington's Creek.
- One hundred pounds towards erecting a new Bridge over Pennington's Creek, in the Parish of Queensbury. Bridge in New Maryland.
- Fifty pounds towards erecting a new Bridge in New Maryland. Harvey, Magaguadavic and Wooler Settlements.
- One hundred and twenty five pounds to open a Road to connect the Harvey Settlement with the Magaguadavic and Wooler Settlements, and towards erecting a Bridge over the Magaguadavic River. Eastern side of the Nashwaak. Old Nashwaak Road.
- Fifty pounds for the Road on the eastern side of the Nashwaak. Manzer's to Fletcher's.
- Forty pounds for the old Nashwaak Road, and the Bridges thereon. Bridge over Gully at J. C. Grant's.
- Fifty pounds for the Road to Manzer's and from Manzer's to Fletcher's. W. Coates' up River.
- Thirty five pounds towards erecting a Bridge over the deep Gully at J. C. Grant's, in Southampton. Coates' to the M'Laughlin Road.
- Thirty pounds from William Coates', up River. Bridge over Saint Nicholas River.
- Thirty pounds from Coates' to the M'Laughlin Road. W. Fitzgerald, Bridge over Richibucto.
- One hundred and fifteen pounds for the Bridge over Saint Nicholas River at Robertson's, in addition to sixty five pounds granted in one thousand eight hundred and fifty. Bridge and Road, Kouchibouguac.
- Forty three pounds to William Fitzgerald, balance due him for building a Bridge over Richibucto River, at head of the Tide. Cocagne River Bridge.
- Thirty pounds for the Bridge and Road on the south side Kouchibouguac. Road L. Greenlaw's to Hewett's.
- Fifty seven pounds ten shillings for a Bridge over the Cocagne River, near Furnell's Mills, and for the Road from Samuel Robicheau's to M'Laughlin Road. Bridge over Digdeguash River.
- Thirty pounds to improve the Road from Levi Greenlaw's, in the Grimmock Settlement, to the main Road at James Hewett's, in Saint Patrick. Road L. Greenlaw's to Hewett's.
- Sixty pounds to build a Bridge over Digdeguash River, and improve the Road on the southern side of Whittier's Ridge towards Neil M'Dermid's, in Saint Patrick.

- Glenelg Road by Linton Bridge. Thirty pounds to improve the Glenelg Road from Thomas Maguire's, by the Linton Bridge; two pounds ten shillings of which to be paid James Linton, Senior, for repairs on the said Bridge, in Saint Patrick.
- Saint Stephen Road. Thirty pounds to open and turnpike a new road from William Lockett's, on the Saint John Road, on the western side of the Chamcook Lake, to the Saint Stephen Road, in Saint Andrews.
- Woodstock Road to Meredith's. Twenty pounds for the Woodstock Road, to be expended south of Little Dig-deguash to Joseph Meredith's.
- Crocker's Hill. Twenty pounds to improve Crocker's Hill, in Saint Stephen.
- Landing to Braunniff's. Twenty pounds to improve the Road past the Public Landing to Patrick Branniff's, in Saint Stephen.
- Bridge on Woodstock Road. Twenty pounds to build a Bridge on the Woodstock Road, near Joseph Garcelon's.
- Laurence's to Moore's Mills. Twenty pounds to improve the Road from Laurence's to Moore's Mills, Saint David.
- Joel Hill's to Sprague's Falls. Twenty pounds to improve the Road from Joel Hill's to Sprague's Falls, Saint Stephen.
- Bridge across Bog at Mill Town. Five pounds to improve the Bridge across the Bog at Mill Town, Saint Stephen.
- Lower Trout Brook Bridge to Magaguadavic. One hundred and ten pounds to improve the Road from Lower Trout Brook Bridge towards the Town of Magaguadavic.
- Pomeroy's Bridge to Corning's. Twenty pounds to improve the Road from Pomeroy's Bridge to Corning's Farm, on the True Road, so called.
- Pomeroy's Bridge towards Smart's. Seven pounds ten shillings to improve the Road from Pomeroy's Bridge towards Smart's, Pleasant Ridge, Saint Patrick.
- Roix or Union road compensation. Fifty pounds to remunerate parties for loss sustained by them in consequence of the Roix or Union Road passing through their cleared Lands, in such manner as may be agreed upon by the Commissioner or Supervisor appointed to expend the same.
- Bridge across the Magaguadavic. Twelve pounds sixteen shillings and eight pence to repair the Bridge across the Magaguadavic River, near Vinegar Hill.
- Bridge across Dennis' Stream. Twenty pounds to build a Bridge across Dennis' Stream on the Road leading from J. W. Grimmer's to the Fredericton Road, in Saint David.
- Edmundston to Saint Francis. Two hundred and twenty seven pounds eighteen shillings and four pence on the Great Road from Edmundston to Saint Francis; thirteen pounds of which to be paid to Octave D'Aigle for extra work done on said Road last year.
- Bridge over the Becaguimec. One hundred pounds towards building a Bridge over the Becaguimec, at the mouth of the River.
- Bridge over the Little Presqu'ile, at Burpe's. Seventy five pounds towards building a Bridge over the Little Presqu'ile, at Burpe's Mill, or paying the debt due thereon.
- Ketchum's to Mallory's. Twenty five pounds towards completing the Road leading from the Great Road near James Ketchum's to Mallory's.
- Bridge over the Big Presqu'ile, at Tracey's. Twenty five pounds towards building a Bridge over the Big Presqu'ile, at Tracey's Mills.
- From Shaw's to Newburgh. Twenty five pounds towards opening a Road past Hovey's from Shaw's to Newburgh Settlement. Fifty

Fifty pounds towards building a Bridge over the Munquart at the mouth.

Bridge over the
Munquart.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seventy five pounds for the improvement of the Great Road from Edmunston, in Victoria, to the River Saint Francis, the same having been made a Great Road by an Act of the present Session.

Edmundston to
Saint Francis.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seventy five pounds for the improvement of the Great Road from Woodstock to the Grand Falls, at or near John Boyer's, Parish of Simonds, County of Carleton, to the American Line on the Big Presqu'ile, the same having been made a Great Road by an Act of the present Session.

Woodstock to
Grand Falls.

To the New Brunswick and Nova Scotia Land Company the sum of one hundred and fifty pounds towards opening and improving the Roads through their Lands.

New Brunswick
and Nova Scotia
Land Company
Land.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of nine hundred and fifty eight pounds for the several Bye Roads in the County of Gloucester, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Gloucester
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and sixty one pounds for the several Bye Roads in the County of Albert, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council; and also the sum of five pounds, granted in one thousand eight hundred and fifty one, for the Road leading from West River, so called, back of the Mountain, to John Cleveland's, and not expended, to be re-appropriated for said Road.

Albert County
Bye Roads.

Re-appropriation.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand and seventy six pounds for the several Bye Roads in the County of Saint John, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of March in the present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Saint John County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and twelve pounds for the several Bye Roads in the County of Victoria, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Victoria County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand four hundred and nineteen pounds for the several Bye Roads in the County of Northumberland, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Northumberland
County Bye Roads.

To

Restigouche
County Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and sixty pounds for the several Bye Roads in the County of Restigouche, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Kent County Bye
Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of nine hundred and twenty two pounds for the several Bye Roads in the County of Kent, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of March in the present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

King's County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand four hundred and forty two pounds for the several Bye Roads in King's County, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty ninth day of March in the present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

York County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand three hundred and fifty pounds for the several Bye Roads in the County of York, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty ninth day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Charlotte County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand four hundred and eighty six pounds for the several Bye Roads in the County of Charlotte, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty ninth day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council; and also the sum of twenty pounds granted in one thousand eight hundred and fifty one for the Slip in Saint Stephen, and not expended, to be re-appropriated and expended on the Road from William Libby's to the Basswood Ridge in Saint James; also the sum of ten pounds granted in one thousand eight hundred and fifty one for the Road from the Chamcook Lake to the Saint John Road in the Parish of Saint Andrews, and not expended, to be re-appropriated and expended in repairing the road from the Chamcook Dam towards William Cunningham's in Saint Andrews.

Re-appropriation.

Carleton County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of nine hundred and eighty one pounds for the several Bye Roads in the County of Carleton, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty ninth day of March in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Queen's County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand two hundred and fifty eight pounds for the several Bye Roads in Queen's County, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the third day of April in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

To

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand two hundred and thirty seven pounds for the several Bye Roads in the County of Westmorland, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the third day of April in this present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Westmorland
County Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and sixty pounds for the several Bye Roads in the County of Sunbury, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the fifth day of April in the present year of our Lord one thousand eight hundred and fifty two, and concurred in by the Legislative Council.

Sunbury County
Bye Roads.

2. The said several and respective sums of money and every part thereof, shall be expended under the direction of such Supervisors and Commissioners as His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, may be pleased to appoint; and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the several Roads and Bridges, or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided; and every Commissioner so to be appointed shall as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases such Commissioners respectively are hereby required to put a sufficient number of notices not less than ten days previous to such sale in three or more of the public places in the neighbourhood where the work is to be done; which notice shall specify and describe the work to be performed, and also the place, day and hour, when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work in time and manner set forth in such contracts; and in cases when the work required to be performed cannot be conveniently let at auction, it shall be the duty of said Commissioners to agree with fit and proper persons to perform the same by day's labour, provided that in no case shall more than one quarter part of any Grant be so expended; and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers of such payments, and render an account thereof in duplicate, upon oath, (which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer,) one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the Office of the Clerk of the Peace in the respective Counties for public information.

Money to be
expended under
the direction of
Supervisors and
Commissioners
appointed by the
Governor in
Council.

Duty of Commis-
sioners in expend-
ing the money.

Accounts to be
rendered in dupli-
cate.

3. The before mentioned sums of money shall be paid by the Treasurer out of the moneys in the Treasury, or as payment may be made at the same, by Warrant of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council.

Money to be paid
by the Treasurer by
Warrant.

Compensation of Commissioners.

4. The said Commissioners entrusted with the expenditure of the said several and respective sums of money, shall for their time and labour be allowed to retain at and after the rate of five per centum out of the said money so entrusted to them respectively, together with a reasonable compensation for actual labour and work performed by them on the said several Roads and Bridges.

Money to be expended on or before the first day of October.

5. The said Commissioners shall expend the said several and respective sums of money on the Roads on or before the first day of October; provided always, that nothing herein contained shall extend or be construed to extend to prevent any Commissioner from expending moneys after the first day of October, when it shall be necessary to expend the same for building Bridges, removing rocks, stumps, trees or other obstructions.

No money to be expended on alterations not recorded.

6. None of the before mentioned sums of money, or any part thereof, shall be laid out or expended in the making or improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

Commissioners to enter into Bonds for due performance of duties.

7. All persons who may be appointed Commissioners for the expenditure of money hereinbefore granted, and before entering upon the duties of his office, shall respectively enter into a Bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Executive Government, for the due performing his duty as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

CAP. XXXIX.

An Act to appropriate a part of the Public Revenue for the services therein mentioned.

Passed 7th April 1852.

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

1. There be allowed and paid out of the Treasury of this Province the following sums, to-wit:—

C. W. Chamberlain.

To Catherine W. Chamberlain, of Saint John, the sum of twenty pounds for teaching in the year one thousand eight hundred and fifty one a Female School of a superior description in that City.

E. H. Duval.

To Edward H. Duval, Teacher of the British School in Saint John, the sum of one hundred pounds towards the support of that institution.

W. Heron.

To William Heron the sum of fifteen pounds to reimburse him for labour performed on the Road leading from Fredericton to Miramichi.

Wesleyan Academy.

To the Trustees of the Wesleyan Academy, at Mount Allison, Sackville, the sum of three hundred pounds towards the support of that institution.

W. Fitzgerald, Richibucto Bridge.

To William Fitzgerald the sum of eighty pounds for extra materials and labour on the Bridge across the Richibucto River, in full for his claim.

Baptist Seminary.

To the Managing Committee of the Baptist Seminary in Fredericton the sum of two hundred and fifty pounds towards the support of that institution.

Madras School.

To the Governor and Trustees of the Madras School the sum of four hundred pounds for the support of that institution.

Newcastle Grammar School.

To the Reverend William Henderson, Edward Williston, and William Falconer, Trustees of the Grammar School, Newcastle, in the County of Northumberland, the sum of twelve pounds ten shillings to enable them to pay John Sivewright a balance due him for teaching the said School, and in full for such service.

J. Thompson, aid to ship Looshtauk.

To John Thompson, of Miramichi, the sum of ninety one pounds due him for Medical

Medical aid rendered to the passengers landed from the Ship "Looshtauk" at the Lazaretto at the Middle Island in one thousand eight hundred and forty seven, by order of a Special Sessions of the Peace for the County of Northumberland.

To James F. Woodman the sum of three pounds thirteen shillings and four pence for teaching a School in the Parish of Hopewell for two months ending the tenth day of September last. J. F. Woodman.

To Mary Harned, Widow of the late Alward Harned, formerly Doorkeeper of this House, the sum of ten pounds. M. Harned.

To Elizabeth Whitehead, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to aid her in her present destitute circumstances. E. Whitehead.

To Ann M'Donald, Widow of the late Surgeon M'Donald of the New Jersey Volunteers, the sum of ten pounds to assist her in her destitute circumstances. A. M'Donald.

To Sarah Cyphers, Widow of an Officer of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances. S. Cyphers.

To William Watts the sum of ten pounds for his services as Crier and Usher of the Supreme Court. Crier Supreme Court.

To Abigail M'Kay, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances. A. M'Kay.

To John Holman, of Studholm, King's County, the sum of twelve pounds ten shillings to enable him to purchase one hundred acres of Land on which he now resides. J. Holman.

To the Magistrates of the County of Charlotte the sum of thirty nine pounds to reimburse them for expenses incurred in preventing the spread of Small Pox in said County in the year one thousand eight hundred and fifty one. Magistrates of Charlotte.

To William Dempsey, a licenced Teacher, the sum of nine pounds for having taught a School in the Parish of Bathurst for a period of six months ending fourteenth January last. W. Dempsey.

To John T. Outhouse, a First Class Teacher, the sum of twelve pounds ten shillings for having taught a School in the Parish of Saint Stephen for a period of five months ending twenty first day of June one thousand eight hundred and fifty one. J. T. Outhouse.

To Charles M. LaBellois, Surgeon, the sum of forty pounds, being in full for his services for attending the afflicted in the Tracadie Hospital for two months during the past year. C. M. LaBellois.

To Louisa Watson, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to aid her in her present destitute situation. L. Watson.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds towards the support of the Roman Catholic School established in the City of Saint John. Roman Catholic School, Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds, in aid of individual subscription, towards the Free School in the Parish of Portland, the same to be expended by the Board of Commissioners of the Roman Catholic School in Saint John. Roman Catholic School, Portland.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds, to be applied in relieving sick and distressed Indians in this Province, and for procuring Seed Grain and Potatoes. Distressed Indians.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds for a Missionary to the Milicete Tribe of Indians stationed at Fredericton for the year one thousand eight hundred and fifty two. Indian Missionary.

To

Johnson and
Mackie.

To Johnson and Mackie, of Miramichi, the sum of thirteen shillings and seven pence to refund Duties twice paid on a hoghead of Earthenware.

C. Lloyd.

To Charles Lloyd, Gauger and Weigher at Dalhousie, the sum of three pounds seventeen shillings, being amount of his Account for services in that capacity the past year.

Corporation of
Saint John, for
landing for Sea-
going Steamers.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of two thousand pounds in aid of funds to be raised by them for the construction of Landings for Sea-going Steamers at or near Reed's Point, in the City of Saint John; the same to be in full, and to be drawn from the Treasury as follows:— One thousand pounds, one half of this Grant, to be paid them by Warrant when they have raised and expended three thousand towards this important object, and the remaining one thousand pounds on the said Landings being completed.

S. Gardner.
return duties.

To Samuel Gardner, of Saint John, the sum of three pounds to reimburse duties paid on goods imported into Saint John and exported to California.

Steam Boat Wharf
in Hopewell.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds towards a good and sufficient Wharf and Steam Boat Landing, at or near the Ferry Landing in Hopewell, in the County of Albert; such sum to be in aid of individual subscription, and not to be drawn from the Treasury until at least a similar sum be first raised and paid, and further until such Wharf be erected and finished to the satisfaction of the Government.

Steamer between
Pictou and Quebec.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding five hundred pounds per annum for three successive years, towards the establishment of a line of communication by good and efficient Steamers between Pictou and Quebec, touching at Shediac and Miramichi; the said sum not to be drawn until it be ascertained to the satisfaction of the Government that such communication has been kept up every successive year once a week; and if only once a fortnight, instead of five hundred pounds per annum, two hundred and fifty pounds per annum.

Gilmour, Rankin
and Company.

To Gilmour, Rankin and Company, of Miramichi, the sum of seventeen pounds nineteen shillings to reimburse Duties paid on Scantling exported, not subject to Duty by Law.

Return duties on
Hose, Portland.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty one pounds fifteen shillings to reimburse Duties paid on Hose imported for an Engine by William Jack and others, in the Parish of Portland, County of Saint John.

R. Armstrong.

To Robert Armstrong, of Saint John, the sum of four pounds fifteen shillings and five pence to reimburse Duties paid on a quantity of goods imported into Saint John and exported to Nova Scotia.

G. Connell.

To George Connell, of the Parish of Woodstock, the sum of one hundred and two pounds to reimburse Duties paid on a Steam Engine of superior description, imported for a new Steamer intended to ply between Fredericton and the Grand Falls.

W. Napier.

To William Napier, of Bathurst, the sum of eight pounds five shillings, being the amount of his Account for gauging and weighing at that place the past year.

Wharf at Bathurst.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds towards a good and sufficient public Wharf to be erected at Bathurst, in the County of Gloucester; such sum to be in aid of individual subscription, and not to be drawn from the Treasury until at least a similar sum be first raised and paid; and further until such Wharf be erected and finished to the satisfaction of the Government.

To

To John W. Holderness of Richibucto, the sum of one hundred and twelve pounds to refund duties on a quantity of goods destroyed by fire at that place on the twentieth day of May last. J. W. Holderness,
return duty.

To W. C. Snow and Sons the sum of eight pounds seventeen shillings to reimburse duties paid on articles imported for the use of their Cloth Manufactory. W. C. Snow &
Sons, return duty.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds towards extending the Public Wharf at Shediac; the same not to be drawn until it be satisfactorily ascertained by the Government that a similar sum has been raised and paid by individual subscription for the same object. Wharf at Shediac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of eighteen pounds fourteen shillings and three pence to enable His Excellency to discharge a Warehouse Bond on the importation of a Fire Engine and apparatus for Engine Company No. 6, into Saint John the past year. Return duty on a
Fire Engine and
apparatus,
St. John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty pounds towards erecting a Public Wharf for a Steam Boat Landing at the Tobique River; the same not to be drawn until a similar sum be raised by individual subscription, and applied to the satisfaction of the Government towards that object. Wharf at Tobique.

To John Flett, of Nelson, Northumberland, the sum of eight pounds seven shillings and five pence to refund duties paid on Machinery imported for a Cloth Factory in that County. Return duty on
Cloth Factory
Machinery.

To John W. Holderness, of Richibucto, the sum of six pounds sixteen shillings and ten pence to reimburse duties paid on a quantity of goods imported per Lady Constable, in September last; the same having been totally lost a few days after on the vessel entering the harbour. J. W. Holderness,
return duties.

To the City Corporation of Fredericton, the sum of twenty nine pounds fifteen shillings to reimburse duties paid on Engine Hose for the Fire Department the past year. Fredericton Corpo-
ration, return duty.

To Daniel Gilmour, of Charlotte County, the sum of eight pounds fifteen shillings to reimburse duties twice paid on an export of deals, agreeably to report of Committee of Trade. D. Gilmour,
return duty.

To Mary Pratt, of Saint George, in the County of Charlotte, Widow of the late James Pratt, the sum of ten pounds. M. Pratt, relief.

To Mercy M'Nichol, of Saint George, in the County of Charlotte, Widow of the late Neil M'Nichol, the sum of ten pounds. M. M'Nichol,
relief.

To Rosanna Pulk, of Saint David, in the County of Charlotte, Widow of the late Henry Pulk, the sum of ten pounds. R. Pulk, relief.

To Rebecca Berry, of the County of Albert, Widow of the late Thomas Berry, the sum of ten pounds. R. Berry, relief.

To Margaret Grierson, of Saint George, in the County of Charlotte, Widow of the late James Grierson, the sum of ten pounds. M. Grierson, relief.

To Jane Hawkins, of Pennfield, in the County of Charlotte, Widow of the late W. W. Hawkins, the sum of ten pounds. J. Hawkins, relief.

To Leah Wannamaker, of Studholm, King's County, Widow of the late Henry Wannamaker, the sum of ten pounds. L. Wannamaker,
relief.

To Dorothy Groom, of Studholm, King's County, Widow of the late Enoch Groom, the sum of ten pounds. D. Groom, relief.

To Hannah M'Donald, of Saint Mary's, in the County of York, Widow of the late Donald M'Donald, the sum of ten pounds. H. M'Donald,
relief.

To

- M. Schureman, relief. To Magdalen Schureman, of the City of Saint John, Widow of the late Philip Schureman, the sum of ten pounds.
- S. Creekmore, relief. To Sarah Creekmore, of Blissville, in the County of Sunbury, Widow of the late Jesse Creekmore, the sum of ten pounds.
- J. Smith, relief. To Jane Smith, of Hampstead, in Queen's County, Widow of the late Stephen Smith, the sum of ten pounds.
- M. Whelpley, relief. To Mary Whelpley, of Kingston, in King's County, Widow of the late Jonathan Whelpley, the sum of ten pounds.
- L. Bell, relief. To Letty Bell, of Burton, in the County of Sunbury, Widow of the late — Bell, the sum of ten pounds.
- E. Carrick, relief. To Elizabeth Carrick, Daughter of the late Rachel Carrick, Widow of an old Soldier of the Revolutionary War, the sum of five pounds, balance due her late Mother at the time of her death.
- A. Parker, relief. To Ann Parker, Daughter-in-law of the late Ann Parker, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds, being amount due her said Mother-in-law at the time of her death.
- J. Black, relief. To Jerusha Black, Widow of the late John Black, the sum of ten pounds.
- H. Brittany, relief. To Henry Brittany, Son of the late Jacob Brittany, an old Soldier of the Revolutionary War, the sum of eight pounds, being balance due his Father at the time of his death.
- T. Ogden, relief. To Thomas Ogden, Son of Ann Ogden, Widow of an old Soldier of the Revolutionary War, the sum of fifteen pounds, being the balance due his Mother at the time of her death.
- R. Cornwall, relief. To Ruth Cornwall, Widow of Samuel Cornwall, an old Soldier of the Revolutionary War, the sum of ten pounds.
- E. Bryant, relief. To Esther Bryant, Widow of Thomas Bryant, an old Soldier of the Revolutionary War, the sum of ten pounds.
- Infant School, Fredericton. To the Committee of the Infant School at Fredericton, the sum of fifty pounds in aid of that Institution.
- S. Lyon, relief. To Sabra Lyon, Widow of the late Hezekiah Lyon, an old Soldier of the Revolutionary War, the sum of ten pounds.
- B. P. Griffith. To Benjamin P. Griffith, of Woodstock, County of Carleton, the sum of forty four pounds twelve shillings and eight pence to remunerate him in full for costs incurred in investigating a claim for timber seized in one thousand eight hundred and thirty eight, agreeably to the report of the Committee.
- W. J. Berton, expenses in defending a suit. To William J. Berton, the sum of one hundred and forty nine pounds one shilling and ten pence towards indemnifying him for his expenses and outgoings incurred in defending an action of trespass which was brought against him for entering upon certain Lands in Queen's County, and carrying on mining operations thereon, under a lease from the Crown, agreeably to the report of the Committee.
- G. Bell, Teacher. To George Bell, a Teacher in a rural district, in the Parish of Ludlow, in Northumberland, the sum of nine pounds for his services in that capacity for six months ending twenty sixth of November one thousand eight hundred and fifty one.
- M. White, services. To Michael White the sum of seventy pounds for past services as Clerk in the Office of Clerk of the Pleas.
- British North American Electric Telegraph Association. To the British North American Electric Telegraph Association the sum of two hundred and fifty pounds to aid in paying off a debt due by such Association, agreeably to the report of the Committee; the same not to be drawn until it be satisfactorily shewn the Executive Government that the said Telegraphic communication be in successful operation, and security given that it shall be so kept effectually

effectually for a period of at least ten years without any further aid from the Provincial funds.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and seventy five pounds three shillings and four pence to pay the Queen's Printer the balance due him to thirty first December one thousand eight hundred and fifty one.

Queen's Printer,
balance due.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one thousand two hundred pounds towards the support of the Provincial Penitentiary for the current year.

Provincial
Penitentiary.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred pounds towards repairing the road from Indian Town, through Portland, to the City of Saint John, in aid of statute labour.

Indian Town to
St. John, Road.

To John C. Allen the sum of seventy six pounds to reimburse him expenses incurred in publishing the Reports of the Supreme Court.

J. C. Allen,
Supreme Court
Decisions.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two hundred pounds, in aid of individual subscription, for the purpose of turning the waters of West River (so called) in the County of Albert, into Rosea Bay, for the purpose of making a Harbour of Refuge for coasting vessels in the Bay of Fundy; the said grant to be in aid of individual subscription, and not to be drawn until a similar sum be raised and paid for the like purpose to the satisfaction of the Government.

Turning waters of
West River into
Rosea Bay.

To Michael O'Connor the sum of twelve pounds six shillings and three pence, being balance due him for services performed in exploring a line of road between Sunbury County line and the Teetotal, Roach and Harvey Settlements, County of York.

M. O'Connor,
Surveying.

To the Overseers of the Poor of the Parish of Dumfries, in the County of York, the sum of fifty pounds to aid them in discharging a debt incurred by the introduction and prevalence of the Small Pox in that Parish.

Overseers Poor,
Dumfries.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds towards the erection of a Public Wharf or Landing at the Bend of Petitcodiac; the same not to be drawn from the Treasury until a like sum has been raised and paid by individual subscription towards this object, and the work completed to the satisfaction of the Government.

Wharf at Petit-
codiac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds towards the erection of a Wharf at Bay Verte, not to be drawn from the Treasury until a like sum be subscribed and paid by individual subscription towards this object, and the Wharf completed to the satisfaction of the Government.

Wharf at Bay
Verte.

To Enoch Dow the sum of sixty six pounds to remunerate him for land sold by the Crown in the year one thousand eight hundred and thirty five, agreeably to the report of the Committee, if on investigation by the Executive Government it appears that he is entitled to the amount.

E. Dow,
indemnification.

To Jacob Kollok, an old Soldier of the Revolutionary War, the sum of fifteen pounds to aid him in his present destitute circumstances.

J. Kollok, relief.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds towards erecting a good and sufficient Steamboat Wharf at the landing in Woodstock; the same not to be drawn from the Provincial Treasury until a like sum has been raised and expended by the inhabitants on the said Wharf.

Wharf at
Woodstock.

To

- F. Leveque,**
teaching. To Francis Leveque, a licenced Teacher, the sum of six pounds for having taught a School in the Parish of Saint Bazil, in the County of Victoria, for a period of four months ending the first day of November one thousand eight hundred and fifty one.
- J. & M. M'Gregor,**
teaching. To the Misses J. and M. M'Gregor the sum of thirty six pounds for teaching a superior School in the City of Saint John for the last two years.
- J. M. Norwood,**
return duty. To John M. Norwood the sum of one pound six shillings, being amount of export duty on twenty six thousand feet of lumber shipped to the British West Indies in one thousand eight hundred and forty nine.
- R. Payne.** To Robert Payne, a sum not exceeding fifty six pounds to remunerate him for money expended in purchasing a site for a Provincial Lunatic Asylum.
- A. H. Munro,**
teaching. To Andrew H. Munro the sum of seven pounds ten shillings for three months services as a First Class Teacher ending the tenth day of March one thousand eight hundred and fifty one.
- I. T. Cheetham,**
teaching. To Isaac T. Cheetham the sum of five pounds ten shillings for three months services as a Second Class Teacher ending eighteenth September one thousand eight hundred and fifty one.
- M. M'Sweeney,**
teaching. To Michael M'Sweeney the sum of nine pounds for six months services as a Teacher ending the nineteenth day of December one thousand eight hundred and fifty one.
- E. A. Jackson,**
teaching. To Eliza Ann Jackson the sum of four pounds ten shillings for three months services as Teacher ending fourteenth July one thousand eight hundred and fifty one.
- J. Hinchey,**
teaching. To John Hinchey the sum of nine pounds for six months services as Teacher ending eighth May one thousand eight hundred and fifty one.
- P. Flanagan,**
teaching. To Patrick Flanagan the sum of six pounds for four months services as Teacher ending twenty fourth February one thousand eight hundred and forty seven.
- J. Corey,**
teaching. To Jacob Corey the sum of nine pounds for six months services as Teacher ending first December one thousand eight hundred and forty eight.
- A. Good,**
teaching. To Abraham Good, Second Class Teacher, the sum of five pounds ten shillings for three months services ending twenty sixth April one thousand eight hundred and fifty one.
- M. H. Murray,**
teaching. To Mary H. Murray the sum of nine pounds for six months services as Teacher ending twentieth December one thousand eight hundred and fifty one.
- C. Barker,**
teaching. To Cynthia Barker the sum of seven pounds ten shillings for five months services as Teacher ending fifth January one thousand eight hundred and fifty one.
- G. N. Jones,**
teaching. To George N. Jones the sum of fifteen pounds for ten months services as Teacher ending thirtieth September one thousand eight hundred and fifty.
- W. D. Estey,**
teaching. To William Dell Estey the sum of nine pounds for six months services as Teacher ending first July one thousand eight hundred and fifty one.
- J. E. Stillman,**
teaching. To John E. Stillman the sum of eighteen pounds for twelve months services as Teacher ending fifth May one thousand eight hundred and fifty one.
- A. S. Hartt,**
teaching. To A. S. Hartt the sum of five pounds ten shillings for three months services as a Second Class Teacher ending seventh May one thousand eight hundred and fifty one.
- C. Rodgers,**
teaching. To Charles Rodgers the sum of six pounds for four months services as Teacher ending thirteenth March one thousand eight hundred and fifty one.
- H. N. DeWolf,**
teaching. To Harriet N. DeWolf the sum of four pounds ten shillings for three months services as Teacher ending third September one thousand eight hundred and fifty one.

- To William H. Gaffry the sum of sixteen pounds ten shillings for nine months services as Second Class Teacher ending twenty first July one thousand eight hundred and fifty one. **W. H. Gaffry, teaching.**
- To Michael Kelly the sum of six pounds for the services of his deceased Daughter, Sarah Kelly, as a Teacher, ending twenty eighth August one thousand eight hundred and fifty one. **M. Kelly, teaching.**
- To James M'Connachie the sum of eleven pounds for six months services as a Second Class Teacher ending fifteenth May one thousand eight hundred and fifty. **J. M'Connachie, teaching.**
- To Eunice E. Fuller the sum of twenty two pounds ten shillings for fifteen months services as Teacher ending the thirty first day of December one thousand eight hundred and fifty. **E. E. Fuller, teaching.**
- To Philip Walsh the sum of five pounds ten shillings for three months services as a Second Class Teacher ending sixth October one thousand eight hundred and fifty one. **P. Walsh, teaching.**
- To James Simpson the sum of ten pounds for four months services as a First Class Teacher ending thirty first July one thousand eight hundred and fifty one. **J. Simpson, teaching.**
- To Sally Ann Loyal the sum of six pounds fifteen shillings for four and a half months services as Teacher ending fifteenth July one thousand eight hundred and fifty one. **S. A. Loyal, teaching.**
- To Mary Grant the sum of nine pounds for six months services as Teacher ending thirtieth November one thousand eight hundred and forty nine. **M. Grant, teaching.**
- To John Brouard the sum of three pounds fifteen shillings for two and a half months services as Teacher ending eighteenth April one thousand eight hundred and forty eight. **J. Brouard, teaching.**
- To Sarah Desmond the sum of thirteen pounds ten shillings for nine months services as Teacher ending twenty eighth February one thousand eight hundred and fifty one. **S. Desmond, teaching.**
- To David Lynch the sum of six pounds for four months services as Teacher ending fourth November one thousand eight hundred and fifty. **D. Lynch, teaching.**
- To James Chrystal the sum of thirty six pounds for two years services as Teacher ending thirty first December one thousand eight hundred and fifty one. **J. Chrystal, teaching.**
- To Amanda Garcelon the sum of seven pounds ten shillings for five months services as Teacher ending the fifteenth October one thousand eight hundred and fifty one. **A. Garcelon, teaching.**
- To James Long and William Hanington, Trustees of Schools in Cocagne, County of Kent, the sum of thirty seven pounds ten shillings to enable them to pay Alfred H. Weeks for teaching a superior School in said Parish for a period of nine months ending thirteenth September one thousand eight hundred and fifty. **A. H. Weeks, teaching.**
- To James M'Naughton and James Gifford, Trustees of Schools for the Parish of Elgin, the sum of six pounds to remunerate T. A. Somers for four months services as Teacher ending twenty ninth November one thousand eight hundred and fifty. **T. A. Somers, teaching.**
- To Elizabeth J. Turner the sum of four pounds ten shillings for three months services as Teacher ending thirty first May one thousand eight hundred and fifty one. **E. J. Turner, teaching.**
- To James Brewster the sum of five pounds ten shillings for three months services as a Second Class Teacher ending fifteenth October one thousand eight hundred and fifty one. **J. Brewster, teaching.**
- To Mary Gunning the sum of nine pounds for six months services as Teacher ending thirty first December one thousand eight hundred and fifty one. **M. Gunning, teaching.**

- J. Pearson,
teaching. To John Pearson the sum of nine pounds for six months services as Teacher ending nineteenth June one thousand eight hundred and fifty one.
- J. S. Witter,
teaching. To James S. Witter the sum of four pounds ten shillings for three months services as Teacher ending twelfth December one thousand eight hundred and fifty.
- C. Lindsay,
teaching. To Charles Lindsay the sum of six pounds for four months services as Teacher ending the twenty seventh July one thousand eight hundred and fifty one.
- C. Dumaresq,
teaching. To Caroline Dumaresq the sum of seven pounds ten shillings for five months services as Teacher ending first November one thousand eight hundred and fifty one.
- J. T. Tuthill,
teaching. To John Thomas Tuthill the sum of seven pounds six shillings and eight pence for four months services as a Second Class Teacher ending the twenty second day of October one thousand eight hundred and fifty one.
- A. Gordon,
teaching. To Anna Gordon the sum of six pounds for four months services as a Teacher ending eighteenth July one thousand eight hundred and fifty.
- M. H. Lewis,
teaching. To Martha H. Lewis the sum of thirteen pounds ten shillings for nine months services as a Teacher ending fourteenth January one thousand eight hundred and fifty two.
- J. F. Kelly,
teaching. To John Foster Kelly the sum of eighteen pounds for twelve months services as Teacher ending thirty first December one thousand eight hundred and fifty one.
- J. Brooks,
teaching. To John Brooks the sum of nine pounds for six months services as Teacher ending first September one thousand eight hundred and fifty.
- E. M'Cann,
teaching. To Elizabeth M'Cann the sum of eighteen pounds for twelve months services as Teacher ending thirty first December one thousand eight hundred and fifty one.
- J. M'Lean,
teaching. To John M'Lean the sum of twelve pounds sixteen shillings and eight pence for seven months services as a Second Class Teacher ending first January one thousand eight hundred and fifty two.
- T. M. Roberts,
teaching. To Thomas M. Roberts the sum of four pounds ten shillings for three months services as Teacher ending fourth May one thousand eight hundred and fifty.
- E. O'Brien,
teaching. To Edward O'Brien the sum of twenty seven pounds for eighteen months services as Teacher ending first November one thousand eight hundred and fifty one.
- M. Collins,
teaching. To Matthew Collins the sum of three pounds for two months services as Teacher ending tenth May one thousand eight hundred and fifty.
- Land for W. Petty. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twelve pounds ten shillings to enable him to pay for a lot of land to be granted to William Petty on which the said Petty now resides.
- Saint Stephen Academy. To the Trustees of the Saint Stephen Academy in the County of Charlotte, the sum of three hundred pounds towards the support of that Institution, not to be considered an annual grant.
- Female School, Fredericton. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in aid of individual subscription, towards the support of a Female School for poor children in Fredericton.
- Breakwater, New Bandon. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum one hundred pounds, in aid of individual subscription, to build a Breakwater at New Bandon, in the County of Gloucester, to shelter vessels landing at the Grind Stone Quarry in said Parish; the same not to be drawn from the Treasury until it shall be satisfactorily proved to His Excellency that a like amount has been subscribed and paid towards the erection of said Breakwater.

To W. O. Smith the sum of twenty two pounds eighteen shillings and ten pence to reimburse duties paid on Hose imported for Engine Company No. 6, belonging to the Corporation of the City of Saint John, the Hose being City property.

W. O. Smith,
return duties.

To Mary M. Leggett the sum of twenty pounds to remunerate her for teaching School in the Parish of Studholm, King's County, for a period of twelve months ending March one thousand eight hundred and fifty one.

M. M. Leggett,
teaching.

To Anabella E. Johnson the sum of nine pounds to remunerate her for teaching School in the Parish of Sussex, King's County, for a period of six months during the past year.

A. E. Johnson,
teaching.

To Charlotte Turner the sum of nine pounds for six months services as a Teacher ending thirtieth day of June one thousand eight hundred and fifty one.

C. Turner,
teaching.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in aid of individual subscription, to enable the inhabitants of Maugerville, in the County of Sunbury, to build a Wharf and Steam Boat Landing at or near the old Perley place in said County, the same not to be drawn until a like sum is subscribed and paid, and the Wharf actually built to satisfaction of the Government.

Wharf and Steam
Boat Landing at
Maugerville.

To William M'Leod and John W. Holderness the sum of seventy seven pounds seventeen shillings and six pence, amount over-expended and paid by them as Commissioners for a Bridge over the Richibucto River, on the Great Road of communication.

W. M'Leod and
J. W. Holderness.
Richibucto Bridge.

To William Brinnick, licenced Teacher, the sum of eighteen pounds for teaching a School in the Parish of Salisbury, County of Westmorland, for fifteen months.

W. Brinnick,
teaching.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds for the purpose of building a Public Wharf at the Ferry Landing opposite the Bend, in Coverdale, County of Albert; the same not to be drawn until a like sum is subscribed and paid, and the Wharf actually finished to the satisfaction of the Government.

Wharf at Ferry
Landing, Bend of
Petitcodiac.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds towards building a Public Wharf either at Dalhousie or Campbelltown, in the County of Restigouche, the site for such Wharf to be selected at one of those places, to be decided by a Commissioner to be appointed by the Government for that purpose, and a report accordingly to be made; this sum not to be drawn until a like sum be raised by individual subscription and paid, and a certificate duly made to the satisfaction of the Government that the said Wharf has been completed.

Wharf at Dalhousie
or Campbelltown.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds to be applied towards the support and maintenance of a School on Heron Island, in the County of Restigouche; the same not to be drawn from the Treasury until it shall be certified by the Trustees of Schools that a competent Teacher has been employed by the inhabitants, and has actually taught there for the term of twelve months.

School at Heron
Island.

To the Reverend J. C. B. M'Devitt, Denis Bradley and Charles Bradley, the Managing Committee of the Roman Catholic School in the Town of Saint Andrews, the sum of thirty pounds to enable them to keep up that institution.

Roman Catholic
School, Saint
Andrews.

To Daniel C. Woodman the sum of fifteen pounds for teaching a School for ten months in the Parish of Harvey ending the seventeenth day of July one thousand eight hundred and fifty one.

D. C. Woodman,
teaching.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds towards erecting a good and

Steamboat Landing
at Chatham.

and sufficient Steam Boat Landing at Chatham, in the County of Northumberland; such sum not to be drawn from the Treasury until the like sum be raised by individual subscription towards this object, and it be satisfactorily certified to the Government that such landing has been completed.

Steamer Creole,
return duties.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seventy one pounds eight shillings, excess of duties paid on Steamer Creole for the year one thousand eight hundred and fifty one; to be paid out of the Hospital funds.

Steamer Admiral,
return duties.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty five pounds eighteen shillings, it being excess of duties paid on Steamer Admiral in the year one thousand eight hundred and fifty one; to be taken from the Hospital fund.

J. Henderson,
teaching.

To James Henderson the sum of ten pounds for teaching a School in the Parish of Saint Mary's, in the County of York, for a period of six months.

G. T. Smith,
teaching.

To G. T. Smith, of Southampton, in the County of York, the sum of twenty two pounds for his services as a Second Class Teacher ending the twelfth day of December last.

D. O'Gorman,
teaching.

To David O'Gorman, of Portland, County of Saint John, a licenced Teacher, the sum of nine pounds for his services as such for a period of six months ending first September one thousand eight hundred and forty nine.

L. L. O'Regan,
teaching.

To Lawrence L. O'Regan, a licenced Teacher, the sum of eighteen pounds for his services as such in the City of Saint John, for a period of twelve months ending first January one thousand eight hundred and fifty two.

J. F. Gooldrup,
teaching.

To James F. Gooldrup, of the County of Saint John, the sum of forty pounds to remunerate him for services as Teacher of the African School at Loch Lomond for the past year.

J. Walsh,
teaching.

To John Walsh, of the City of Saint John, licenced Teacher, the sum of eighteen pounds for his services as such for the year one thousand eight hundred and fifty one.

C. Doherty,
teaching.

To Catherine Doherty the sum of nine pounds for teaching a School for six months in Wellington, County of Kent, ending in one thousand eight hundred and fifty one.

J. W. Wall,
teaching.

To J. Wesley Wall the sum of nine pounds for teaching a School in the Parish of Westmorland for the period of six months ending the tenth day of January one thousand eight hundred and fifty one.

T. Crowley,
teaching.

To Thomas Crowley, of the City of Saint John, First Class Teacher, the sum of twenty pounds for teaching a School in that City for eighteen months ending in February last.

Lunatic Asylum.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two thousand two hundred and fifty pounds towards the maintenance of the Provincial Lunatic Asylum for the year one thousand eight hundred and fifty two.

Tracadie Lazaretto.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred pounds to discharge the balance due the Commissioners of the Board of Health for the Counties of Gloucester and Northumberland up to the thirty first of December last, and for the support and maintenance of the Tracadie Lazaretto the current year.

Sheriff of St. John
for elections.

To the High Sheriff of the City and County of Saint John the sum of one hundred and sixty pounds six shillings and eight pence for expenses incurred in holding four Elections in one thousand eight hundred and fifty one, in addition to ten pounds for each Election allowed by law.

To

To the High Sheriff of the County of Restigouche the sum of twenty four pounds eighteen shillings and six pence for expenses incurred in holding an Election for that County in one thousand eight hundred and fifty one, in addition to ten pounds allowed by law. Sheriff of Restigouche for election.

To the High Sheriff of the County of Gloucester the sum of fifty eight pounds nineteen shillings for expenses incurred in holding an Election for that County in one thousand eight hundred and fifty one, in addition to ten pounds allowed by law. Sheriff of Gloucester for election.

To the High Sheriff of the County of Queen's the sum of fifty eight pounds four shillings for expenses incurred in holding an Election in that County in one thousand eight hundred and fifty one, in addition to ten pounds allowed by law. Sheriff of Queen's for election.

To the High Sheriff of the County of Albert the sum of thirty eight pounds thirteen shillings and nine pence for expenses incurred in holding an Election for that County in one thousand eight hundred and fifty one, in addition to ten pounds allowed by law. Sheriff of Albert for election.

To Mary Collins, Widow of the late Doctor Collins, who fell a victim to the pestilential disease raging on Partridge Island, at the Quarantine Establishment, in one thousand eight hundred and forty seven, while in his professional attendance upon the numerous emigrants there landed, to aid her in her present distressed condition, the sum of twenty five pounds. Mrs. Collins, relief.

To William S. Caie, of the County of Kent, the sum of three pounds twelve shillings and six pence, being to reimburse him duties paid on a quantity of goods lost in removing them from Richibucto to Kouchibouguacis, his place of business. W. S. Caie, return duties.

To Duncan Stewart the sum of fourteen pounds thirteen shillings and six pence for gauging and weighing dutiable articles at Saint Stephen in one thousand eight hundred and fifty and one thousand eight hundred and fifty one. D. Stewart, gauging.

To John Fraser the sum of eight pounds fourteen shillings and six pence for gauging and weighing at Miramichi the past year. J. Fraser, gauging.

To Ann Carman the sum of eleven pounds one shilling, being amount due her late Husband, William Carman, Esquire, for gauging and weighing at Miramichi the past year. A. Carman, gauging.

To Walter H. Roulston, of the County of Carleton, the sum of twenty seven pounds for his services as a licenced Teacher for a period of eighteen months ending the twentieth day of October one thousand eight hundred and fifty one. W. H. Roulston, teaching.

To Gregor M'Grigor, of Simonds, in the County of Carleton, the sum of eighteen pounds for his services as a licenced Teacher for a period of twelve months ending twenty fifth of January one thousand eight hundred and fifty two. G. M'Grigor, teaching.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds towards the erection of a good and sufficient Steam Boat Wharf in the City of Fredericton; the same not to be drawn from the Treasury until it shall be certified to His Excellency that a like amount has been raised and expended for the same object. Steam Boat Wharf, Fredericton.

To Samuel Knight the sum of twenty seven pounds for having taught a School in the Parish of Waterborough for the term of eighteen months ending fifth of June one thousand eight hundred and fifty one. S. Knight, teaching.

To the Committee of the Legislative Library the sum of three hundred pounds sterling towards obtaining a further supply of Books and paying the balance due. Legislative Library.

To Johnson and Mackie the sum of three pounds eleven shillings and ten pence being the balance due them for supplies furnished the Committee of Sessions for Northumberland for the support of Emigrants in the year one thousand eight hundred and forty seven. Johnson & Mackie, return duties.

To

- H. Parlee, teaching.
To Hugh Parlee the sum of nine pounds for teaching a School six months in the Parish of Sussex, in King's County, ending in the year one thousand eight hundred and fifty.
- P. Dignum, Lazaretto, Middle Island.
To Patrick Dignum the sum of three pounds eight shillings and six pence, being balance due him for work at the Emigrant Lazaretto on Middle Island in the year one thousand eight hundred and forty seven.
- A. Duncan, Lazaretto.
To Andrew Duncan the sum of eighteen pounds, being balance due him for work at the Emigrant Lazaretto on Middle Island in one thousand eight hundred and forty seven.
- J. Coughlan, Lazaretto.
To James Coughlan the sum of six pounds fifteen shillings and four pence, being balance due him for work at Emigrant Lazaretto on Middle Island in one thousand eight hundred and forty seven.
- P. Leonard, Lazaretto.
To Philip Leonard the sum of six pounds six shillings and eight pence, balance due him for work at the Emigrant Lazaretto on Middle Island in one thousand eight hundred and forty seven.
- Overseers Poor, Moncton.
To the Overseers of the Poor for the Parish of Moncton, in the County of Westmorland, the sum of twenty pounds to reimburse them for expenses incurred in the support of an Emigrant Pauper in said Parish.
- Overseers Poor, St. Andrews.
To the Overseers of the Poor for Saint Andrews, in the County of Charlotte, the sum of sixteen pounds five shillings and nine pence, to reimburse them expenses incurred in support of sick and distressed Emigrants in said Parish.
- T. M'Avity, emigrant services.
To Thomas M'Avity the sum of fifty pounds to compensate him for services as Superintendent of the Emigrant Establishment at Partridge Island during the year one thousand eight hundred and fifty one.
- W. C. M'Stay, for an emigrant pauper.
To William C. M'Stay the sum of eighteen pounds eleven shillings to remunerate him for Medical attendance on an Emigrant Pauper at Saint Andrews, in the County of Charlotte.
- Overseers of Poor, St. Patrick.
To the Overseers of the Poor for the Parish of Saint Patrick, in the County of Charlotte, the sum of sixteen pounds two shillings and six pence, to reimburse them expenses incurred in support of Emigrant Paupers.
- Commissioners of Alms House, St. John.
To the Commissioners of the Alms House in the City and County of Saint John, the sum of two hundred and eight pounds eleven shillings and eight pence, being amount expended by them in support and relief of sick and distressed Emigrants in one thousand eight hundred and fifty one, including the expenses incurred at Partridge Island; the same to be taken from the Emigrant Fund.
- J. M'Court, teaching.
To John M'Court, a licenced Teacher, the sum of twenty pounds to remunerate him in part for teaching a School in the County of Saint John for the period of nineteen months.
- R. M'Callum, teaching.
To Rachel M'Callum, a licenced Teacher, the sum of eighteen pounds for teaching a School in Carleton, in the City of Saint John.
- W. R. Williams.
To William R. Williams the sum of twenty pounds to compensate him for the loss of a horse owing to the dilapidated state of a bridge on the Nerepis Road, long neglected by the public authorities, whose duty should have prompted them to guard against such an occurrence.
- E. Codington, relief.
To Eliphas Codington, of Grand Manan, the sum of ten pounds as part remuneration for services performed during the late War, he now being in very destitute circumstances and eighty one years of age.
- Commissioners of Light Houses, Bay of Fundy.
To the Commissioners of Light Houses in the Bay of Fundy the sum of one thousand five hundred pounds for contingencies for the present year, to be taken from the Light House Fund.

To the Commissioners of Light Houses in the Bay of Fundy the sum of two hundred and fifty pounds to pay proportion of expenses for supporting the Light Houses at Cape Sable Seal Island, and Brier Island, in Nova Scotia, to be taken from the Light House Fund. Commissioners of Light Houses, Bay of Fundy.

To the Commissioners of Light Houses in the Gulf of Saint Lawrence the sum of one hundred pounds to meet past expenditure, and to provide for the contingencies of the present season, to be taken from the Light House Fund. Gulf of St. Lawrence.

To William End, Esquire, for money paid by him for opening the Road from Boistown to the head of the Nashwaak, to enable the Courier to proceed with the Mail, the sum of five pounds. W. End, Esq.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds towards repairing and improving the Ferry Landing and approaches thereto, on the main road at Caraquet River, in the County of Gloucester. Ferry Landing, Caraquet River.

To George Cummins, of the City of Saint John, the sum of eighteen pounds for teaching a School in said City for the year one thousand eight hundred and fifty one. G. Cummins, teaching.

To Penelope Herring, a Teacher of Youth, the sum of eighteen pounds for teaching a School in the City of Saint John for the past year. P. Herring, teaching.

To Elizabeth Phillips, of the City of Saint John, the sum of eighteen pounds for teaching a superior School during the last year. E. Phillips, teaching.

To Patrick Reardon, a Teacher of Youth in Carleton, City of Saint John, the sum of eighteen pounds for teaching a School in the year one thousand eight hundred and fifty one. P. Reardon, teaching.

To Samuel D. Miller and James M'Lure, Teachers of the Commercial School in the City of Saint John, the sum of fifty pounds for and on account of said School. S. D. Miller & J. M'Lure, teaching.

To Hugh Allan the sum of nine pounds for teaching a School in the Parish of Lincoln for six months ending the first day of January one thousand eight hundred and fifty two. H. Allan, teaching.

To David Wilson, of Fredericton, a colored man, the sum of twenty one pounds to refund him this amount paid on account of Alien Tax during a period of fourteen years improperly collected from him, he being at the time a British subject. D. Wilson, relief.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to be applied towards the erection of a Breakwater and Boat Harbour at Woodward's Cove, Grand Manan, in the County of Charlotte; the same not to be drawn from the Treasury until a similar sum be raised by individual subscription, and applied to that purpose to the satisfaction of the Government. Boat Harbour, Woodward's Cove.

To Deborah Ann Lugin, Widow of the late George K. Lugin, many years King's Printer in this Province, the sum of thirty pounds to aid her in her destitute circumstances, being the allowance for one thousand eight hundred and fifty one and one thousand eight hundred and fifty two. D. A. Lugin, relief.

To Rachel Martin, of the City of Fredericton, the sum of thirty pounds for her long and valuable services as a School Teacher, and for teaching a School in said City the past year. R. Martin, teaching.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred pounds to be applied towards the erection of a Breakwater at Herring Cove, to make a low water Harbour for the safety of Coasters and other Vessels in the Bay of Fundy. Breakwater, Herring Cove.

- J. M'Phelim,
return duty.
- To James M'Phelim, of the County of Kent, the sum of one pound seventeen shillings, being an excess of duty paid by him on Timber shipped on board the Brig Morning Star in one thousand eight hundred and fifty.
- Fishery Societies.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the encouragement of the Fisheries; the said sum to be advanced in like proportions as the money at present granted for the encouragement of Agricultural Societies.
- W. Parks &
T. Parks,
reimbursement.
- To William Parks and Thomas Parks, owners of the Steamer Maid of Erin, plying between St. John, Eastport and Portland, the sum of fifteen pounds eighteen shillings and two pence to reimburse Hospital Dues paid by them on twenty three entries made at the Provincial Treasury Office at Saint John in the year one thousand eight hundred and fifty one, beyond the six trips provided and already paid for.
- Boat Harbour,
Irish Town.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds towards the building a Breakwater and Boat Harbour at Irish Town, in the Parish of Lancaster, County of Saint John; such sum to be in aid of individual subscription, and not to be drawn from the Treasury until at least a like sum be subscribed and expended by the inhabitants themselves towards that object, and the same satisfactorily certified to the Government.
- Northumberland
Agricultural
Society.
- To John Wright, Esquire, President of the Northumberland Agricultural Society, the sum of fifty pounds to assist and encourage the carding, dressing and dyeing Establishment erected at Nelson; the same being a re-appropriation of a similar sum granted last Session, for a carding, fulling and spinning Establishment, and not drawn; and not to be drawn from the Treasury until it be satisfactorily certified to the Government that each and every of the branches are in efficient working.
- J. Alexander,
Fishwarden.
- To John Alexander, Fishwarden in the County of Charlotte, the sum of fifteen pounds for hire of men and boat and other expenses incurred by him.
- J. Brown,
Fishwarden.
- To James Brown, Fishwarden in the County of Charlotte, the sum of fourteen pounds for expenses incurred by him.
- Marine Hospital,
Richibucto.
- To the Commissioners of sick and disabled Seamen for the Port of Richibucto the sum of one hundred pounds to aid in the erection of a Marine Hospital in that Port.
- J. Trenholm,
reimbursement.
- To John Trenholm the sum of sixteen pounds thirteen shillings and eight pence, being the balance of costs and expenses incurred by him in defending a law suit brought against him in his capacity of Trustee of Schools for the County of Westmorland.
- Bocabec River,
Charlotte.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds for removing rocks and other obstructions from the Bocabec River, in the County of Charlotte; not to be drawn from the Treasury until satisfactory proof be produced to His Excellency that a similar sum has been raised by individual subscription, and actually expended for said purpose.
- Dr. D. Blair,
vaccinating,
Charlotte.
- To Doctor Dugald Blair, of Saint Stephen, in the County of Charlotte, the sum of twenty pounds for his services in Vaccinating a great many persons in the said place and the neighbouring Parishes, and for his Medical services in staying the spread of Small Pox in that neighbourhood in the Summer of one thousand eight hundred and fifty one, by direction of the Magistrates.
- The New Brunswick Society.
- To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding five hundred pounds, to be expended by

by the Society for the encouragement of Agriculture, Home Manufactures and Commerce, incorporated by Act of Assembly, in establishing a general exhibition of the Industry of the whole Province under the form of a General Show and Fair the present year.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in aid of individual subscription, towards the erection of a Wharf at the Ferry Landing in Saint Mary's, in the County of York, the same not to be drawn from the Treasury until it shall be certified to His Excellency that a like sum has been raised and expended for the same object. Ferry Landing,
St. Mary's.

To the Province Treasurer a sum not exceeding fifty pounds to provide for the following services:— Cancelling Bonds:

To cancel a Bond given by Cutler and Chipman for duties on one bale cotton warp, two bales cotton, twenty kegs white lead, eleven boxes glass, and three chests of Tea, destroyed in the Warehouse at Richibucto by fire, the past year: Cutler & Chipman.

To cancel a Bond for duties on a puncheon of rum, given by William M'Leod, of the same place, destroyed in the same Warehouse: W. M'Leod.

To cancel a Bond given by Charles Whittaker for duties on ten barrels beef warehoused at Saint John, which turned out worthless, and consequently unfit for use. C. Whittaker.

To Michael Fitzgerald the sum of thirty pounds in full to remunerate him for extra work performed on a Tablet to the memory of the late Captain Pipon, agreeably to the report of the Select Committee. M. Fitzgerald,
Capt. Pipon's
Tablet.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding four thousand five hundred pounds for the protection of the Revenue the present year. Protection of
Revenue.

To the Clerk of the Crown in the Supreme Court the sum of one hundred pounds for his services for the year one thousand eight hundred and fifty one. Clerk of the Crown,
Supreme Court.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding three hundred pounds to pay Couriers and Carriers not considered on the Post Office Establishment. Couriers and
Carriers.

To David W. Jack, Deputy Treasurer, Saint Andrews, the sum of fifty pounds for extra services in that capacity, and to enable him to pay a Clerk the past year. W. Jack,
services.

To Dugald Stewart, Deputy Treasurer, Dalhousie, the sum of one hundred pounds for his services in that capacity the past year, in addition to the amount allowed by law. D. Stewart,
services.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding five thousand pounds for enlarging and extending the Provincial Lunatic Asylum. Provincial
Lunatic Asylum.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in aid of individual subscription, for the support of the African School at Saint John. African School,
St. John.

To the Quarter Master General of the Militia Forces the sum of one hundred and fifty pounds for his services for the year one thousand eight hundred and fifty one. Qr. Master General,
Militia Forces.

To the Commissioner of Government House the sum of sixty pounds for Coals for the Public Rooms and Offices in Government House. Commissioner,
Governm't House.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to be expended by Commissioners to be appointed by His Excellency, in building a Breakwater at Breakwater,
Ellis Cove.

at Ellis' Cove, Maces' Bay, for the protection of Coasters; the same not to be drawn from the Treasury until it shall be certified to His Excellency that a like sum has been subscribed and paid and expended on the said work.

Sheriff of St. John,
Elections.

To Charles Johnston, Esquire, High Sheriff of the City and County of Saint John, the sum of twenty one pounds for extra money expended during the last elections for that County, as recommended by the Committee of Accounts, the said Sheriff having made the requisite Affidavits for this sum.

T. Hill,
reporting-

To Thomas Hill, of Fredericton, the sum of fifty pounds for Reporting and Publishing the Debates during the present Session.

T. W. Anglin,
reporting.

To T. W. Anglin the sum of fifty pounds for Reporting and Publishing the Debates during the present Session.

Female Prison,
Prov. Penitentiary.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two thousand pounds to build a Female Prison to be attached to the Provincial Penitentiary.

J. Simpson,
Queen's Printer,
balance due.

To John Simpson, Queen's Printer, the sum of five hundred and seventy three pounds sixteen shillings and three pence, being the balance due him in full for Public Printing up to the thirty first December last.

Hon. J. Robertson,
reimbursement.

To the Honorable John Robertson, Commissioner for Steamboats, the sum of twenty five pounds to reimburse him that amount expended and paid by him for an Inspector to examine Steam Vessels in one thousand eight hundred and fifty.

J. Simpson,
Queen's Printer,
printing Journals.

To John Simpson, Queen's Printer, the sum of three hundred and ninety pounds in full for Printing the Daily and Revised Journals of the Legislative Council and House of Assembly the present Session; the said grant to include payment for one hundred and fifty revised copies of the Journals of both Houses, to be furnished during the recess in the usual manner.

J. Simpson,
Queen's Printer,
printing Debates.

To John Simpson, Queen's Printer, the sum of three hundred and seventy one pounds five shillings for printing, publishing and furnishing two thousand five hundred of the daily Debates of the House of Assembly the present Session, including the Reporters; and the further sum of one hundred and seventy five pounds for printing, publishing and furnishing one thousand five hundred copies of the daily Debates of the Legislative Council the present Session, including the Reporter.

Hon. J. Davidson,
surveying, &c.

To the Honorable James Davidson the sum of one hundred and five pounds five shillings for investigating the claims, surveying, marking plans, and apportioning to the present owners the quantities of land they now hold in the old grant to Oliver Richard and others on the south side of the Richibucto River, with a view to quieting the claims and settling the rights and possessions of the present owners by an Act of the Legislature, pursuant to an Address of this House for that purpose of the twenty eighth of April last.

Wharf,
Douglas Harbour.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding thirty pounds for the purpose of erecting a Wharf at the Public Landing in Douglas Harbour, in the Parish of Canning, Queen's County; such sum not to be drawn from the Treasury until it be satisfactorily certified to His Excellency that a like sum has been subscribed and paid by the inhabitants for the same purpose.

M. Fowler,
return duty.

To Monmouth Fowler, of the Parish of Hampton, King's County, the sum of two pounds, being a return duty paid on an improved breed of stock imported from the United States in October last.

Steamboat landing,
Long Reach.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds towards the erection of a good and sufficient Wharf or Steamboat Landing on the Long Reach, in King's County,
the

the site for which to be selected by a Commissioner to be appointed by His Excellency the Lieutenant Governor in Council; such sum to be in aid of individual subscription, and not to be drawn from the Treasury until a similar sum be first raised and paid; and further until such wharf be erected and finished to the satisfaction of the Government.

To George M'Kenzie the sum of twenty five pounds to remunerate him for losses sustained by him in consequence of the Government having granted him a licence to cut logs and timber which proved to be on private property. G. M'Kenzie,
remuneration.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds for the purpose of enlarging the Emigrant Hospital at Saint John, to be taken from the Emigrant Fund. Emigrant Hospital,
St. John.

To Mary Jane Mealy the sum of nine pounds for having taught a School in the Parish of Burton, County of Sunbury, for a period of six months ending the tenth day of June one thousand eight hundred and fifty. M. J. Mealy,
teaching.

To Lewis Deligny the sum of twenty seven pounds for teaching a School in Welford, County of Kent, for a period of eighteen months ending seventeenth February one thousand eight hundred and forty nine. L. Deligny,
teaching.

To the Commissioner of Public Buildings the sum of one hundred pounds for his services in that capacity the past year. Commissioner of
Public Buildings.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two hundred and fifty pounds to reimburse the Commissioner of Public Buildings for amount expended in repairs on Government House and for preserving the Public Grounds the past year; and a further sum not exceeding eight hundred and fifty pounds for repairs and improvements on the Council Chamber, House of Assembly and Public Offices; the same not to be paid until the Government are satisfied of the correctness of the Accounts. Commissioner of
Public Buildings,
reimbursement.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds to be paid to John Flett, of Nelson, in the County of Northumberland, in order to encourage the erection of a carding, fulling and dressing Mill, and dyeing establishment therein, to be paid when it shall be made to appear to the Government that the establishment is complete and in operation. J. Flett,
Carding, fulling &
dressing Mill.

To the Postmaster at Fredericton the sum of three hundred and forty nine pounds ten shillings and four pence for Postages of the Legislature the present Session. Postages,
Legislature.

To the Clerk of the House of Assembly the sum of two thousand three hundred and seven pounds thirteen shillings and three pence for Contingencies of the Legislature the present Session. Contingencies,
Legislature.

2. That all the before mentioned sums of money shall be paid by the Treasurer of the Province, by Warrant of His Excellency the Lieutenant Governor or the Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, out of moneys now in the Treasury or as payment may be made at the same. Money to be paid
by Warrant.

*This Act becomes superfluous by its Recession in the R. Laws with some alterations in 1861.
Page 115, Preamble.
Vol. 2. Page 43.*

An Act for the better establishment and maintenance of the Parish Schools.

Passed 7th April 1852.

WHEREAS it is expedient to make provision for the better establishment of Parish Schools in this Province;

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

Acts
10 V. c. 56, and
12 V. c. 45,
repealed.
Reservations.

1. An Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to provide for the support and improvement of the Parish Schools*; also an Act made and passed in the twelfth year of the said Reign, intituled *An Act to amend an Act intituled 'An Act to provide for the support and improvement of the Parish Schools'*, are hereby repealed; provided such repeal shall not extend or be construed to extend to any proceeding had or any penalty incurred under and by virtue of the said Acts, or either of them, but that the Board of Education, and all appointments to office, all engagements, agreements and contracts made under the authority of the said Acts, or either of them, shall be valid and in full force, and binding upon all parties concerned, as if made under the authority of this Act, and shall so continue until altered, modified or suspended according to the provisions of this Act; and provided also, that nothing in this Act shall extend or be construed to extend to have repealed any law of this Province, whereby provision was made for the payment of money from the Revenue of this Province towards the support of the Parish Schools, for services performed or to be performed under such laws.

*Repealed
N. L. V. 1. Page 484.*

Three Trustees of Schools in each Parish or District to be appointed or elected.

2. Three fit persons shall at the time of making or confirming the annual appointment of Town or Parish Officers, be appointed by the Courts of General Sessions in every County for every Town or Parish therein, or be chosen by the rate payers upon property in cases where the law shall so authorize and direct, as Trustees of Schools, who shall be sworn to the faithful discharge of their duty in the same manner as other Town or Parish Officers, and be in all respects subject to the same rules and regulations, penalties and forfeitures, as other Town or Parish Officers are subject to, by virtue of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, or by any other Act or Acts that may now or hereafter be in force in this Province for the like purpose.

13 V. c. 30.

Trustees to divide their Parishes into Districts, and concur in engagements with Teachers.

3. It shall be the duty of the said Trustees to divide their respective Parishes into as many School Districts as may from time to time be found convenient and necessary; and when the inhabitants of any district shall have provided a sufficient School House, agreed with a Teacher, duly licenced, for a term not less than six months, and secured the pecuniary or other allowances hereinafter mentioned for the Teacher, all being done with the consent and approbation of the said Trustees, or any two of them, of which they shall give the proposed Teacher a memorandum in writing, then such Trustees shall consider such Teacher in the Parish School service; and it shall also be the duty of the said Trustees to suspend or displace any Teacher within the Parish for incapacity, intemperance, or any immoral or improper conduct; and in case of suspension or dismissal, the said Trustees shall forthwith transmit a report of their proceedings to the Provincial Superintendent of Schools to be appointed under the provisions of this Act, for the information of the Board of Education; and such dismissal shall be final, and the Teacher's licence cancelled, unless he or she appeal within thirty days to the said Board of Education, who may thereupon order an inquiry to be made by the local Inspector to

Power to suspend or displace Teachers.

to be appointed as hereinafter mentioned, on whose report a final decision of the case shall be made; provided always, that the said Trustees in giving such approbation to the employment of any Teacher or Teachers, shall have regard to the Provincial bounty apportioned for the year by the Superintendent, under the direction of the Board of Education, under the provisions of this Act, to the Parish in which the School or Schools is or are to be taught, so as not to extend the number of Schools in any one Parish beyond the number for which provision shall have been made.

4. His Excellency the Lieutenant Governor or person administering the Government for the time being, shall, with Her Majesty's Executive Council and the said Superintendent, constitute a Provincial Board of Education, with full power and authority to grant Licences to teach under the authority of this Act; to regulate the different classes of Teachers; to determine all appeals of suspended or dismissed Teachers from the decision of the Trustees, and complaints against existing Teachers; and generally to carry this Act into effect; provided always, that His Excellency the Lieutenant Governor or person administering the Government for the time being, together with four other Members of the Board, of whom the said Superintendent shall be one, shall constitute a quorum for the dispatch of business.

The Governor, Executive Council, and Superintendent of Schools, to constitute a Provincial Board of Education

Power.

Quorum.

5. His Excellency the Lieutenant Governor or person administering the Government for the time being, may from time to time by Letters Patent under the Great Seal of this Province, appoint a fit and proper person to be Chief Superintendent of Schools for the Province, who shall also discharge the duty of Secretary to the Board of Education, and shall hold his office during pleasure, and shall be allowed two hundred pounds currency per annum as a Salary for discharging the duties of such Superintendent and Secretary, and fifty pounds in addition to pay travelling charges and all other contingent expenses of his offices; and shall in the exercise of his duties as such Superintendent and Secretary as aforesaid, be subject to all lawful directions or orders that the Board of Education may from time to time give in respect thereto, and especially attend to the duties by this Act required of him as such Superintendent and Secretary as aforesaid.

Governor for the time being to appoint from time to time a chief Superintendent of Schools, to act also as Secretary to the Board.

Salary.

Subjection.

6. It shall and may be lawful for the said Board of Education, if they see fit, to establish, under proper regulations to be made by the said Board, one Training School for the Province, or to continue any Training School now in operation, with a Model School or Schools in connection therewith, for the instruction of male and female Teachers; and to appoint a Teacher to such Training School with a Salary not exceeding two hundred pounds per annum; and also a male and female Teacher to such Model School, with a Salary not exceeding the sum of sixty pounds per annum to the male Teacher, and not exceeding fifty pounds per annum to the female Teacher.

Board may establish a Training and Model School, or continue any now in operation.

Salaries of the Teachers.

7. It shall be the duty of the Teacher of the said Training School to train in the art of teaching such Teachers and Candidates as may attend, giving them a thorough knowledge of the best method of conducting a common Parish School, and especially teaching them the art of communicating the several branches of common school education in a manner best suited to the capacities, ages and conditions of the pupils who may thereafter be under their care.

Duty of the Teacher of the Training School.

8. The Board of Education are hereby authorized from time to time to appoint three fit and proper persons, of whom the Superintendent or one of the local Inspectors shall be one, to sit at Fredericton, Saint John or elsewhere, as may be found convenient, to examine candidates for the situation of Teachers, trained in such Training School, whom the Superintendent under the direction of the Board

Board may appoint two persons to sit with the Superintendent or local Inspector to examine trained candidates.

may

The Hon. Secy. of Edu.
John A. Campbell
1852

may direct to be examined, which examiners shall report to the Board of Education the result of such examination and the qualifications of the respective candidates.

Board of Education to class the Teachers trained and examined.

No Teacher not already licenced to receive a first or second class licence without having first attended the Training School.

Qualification of first class Male Teacher.

Second class.

Third class.

Additional as to the first and second classes.

First class Female Teachers.

Second class.

Third class.

Third class licences to be granted to persons certified by the local Inspectors.

Teachers not already licenced and about to be employed under this Act to apply for licences before entering into an engagement.

Superintendent, under the direction of the Board, to enforce a system of instruction, select books, &c.

Governor in Council to appoint an Inspector of Schools for each County; and fix the salaries.

9. The Board of Education on receiving such Report of the examiners, with a certificate from the Training Master as to the moral character and the time or period of attendance of the applicant in the Training School, shall, at least once in every six months, cause all Teachers and Candidates so examined to be classed into first, second and third class Teachers; and no Teacher not already licenced shall be entitled after the passing of this Act to receive a first or second class licence without having first attended the Training School for a period of not less than three months, and passed his examination before the Board of Education, or before such person or persons as they may for that purpose appoint, and obtained a certificate of qualification according to the following acquirements:—

Male Teachers of the highest or first class shall be qualified to teach spelling, reading, writing, arithmetic, English grammar, geography, history and book keeping, geometry, mensuration, land surveying, navigation, and algebra:

Male Teachers of the second class shall be qualified to teach spelling, reading, writing, arithmetic, English grammar, geography, history, and book keeping:

Male Teachers of the third class shall be qualified to teach spelling, reading, writing, and arithmetic:

And Male Teachers of the first and second class shall also be qualified and enjoined to impart to their scholars a knowledge of the geography, history and resources of the Province of New Brunswick and of the adjoining North American Colonies:

Female Teachers of the highest or first class shall be qualified to teach spelling, reading, writing, arithmetic, English grammar, geography, history, and common needlework:

Female Teachers of the second class shall be qualified to teach spelling, reading, writing, arithmetic, English grammar, geography, and common needlework:

Female Teachers of the third class shall be qualified to teach spelling, reading, writing, arithmetic, and common needlework.

10. 'And with a view to the granting of third class licences to Teachers who shall not attend the Training School;' The Board of Education are hereby authorized to grant such licences to such person or persons as the local Inspector shall certify to the Superintendent to possess the necessary elementary knowledge and other qualifications, and to be of good moral character.

11. All Teachers not already licenced, to be employed under this Act, shall apply for and obtain licence to teach from the Board of Education previously to their being recognized or engaged in any School district, and such licences shall be given by direction of such Board, and shall be signed by the Superintendent.

12. The Superintendent, under the sanction of the Board of Education, shall and may, by regulations to be by him from time to time made, altered or amended, enforce such system of education and instruction in the Parish Schools respectively as the said Board may deem right, and as is consistent with the provisions of this Act, and also select and determine the description of books and apparatus to be used in all the Schools established under this Act, and may in general take such charge of the same as shall lead to the prevention of abuses, and the promotion of a good practical education.

13. His Excellency the Lieutenant Governor in Council shall appoint during pleasure an Inspector of Parish Schools for each County in this Province, and shall fix and regulate the salaries or remuneration of such Inspectors, which in

no

no case shall exceed seven shillings and six pence for each inspection made, except in Counties where the remuneration shall by such computation amount to less than fifty pounds, which shall be the minimum allowance per annum for the inspection of Schools in any one County; and it shall be the duty of each Inspector so appointed, to visit and examine the Parish Schools respectively within his district four times in every year, and on such additional occasions as the Board of Education may specially direct; provided that no Inspector shall be paid for more than four inspections of any School in any one year; and at the time of each visit to examine into the state and condition of the Schools, as respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the School Registers, the average attendance of pupils, the character and condition of the buildings and premises, and to give such advice as he shall judge proper; to see that all the Schools under his superintendence are conducted according to law, to prevent the use of improper and to recommend the use of authorized books in each School, and to acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantages of using them; and to do all in his power to persuade and animate Parents, Guardians, Trustees and Teachers to improve the character and efficiency of the Parish Schools; and to prepare and transmit to the Superintendent, on or before the first day of November in each year, a report of the state of the Schools in his district, in such form as shall be appointed by the said Board, and which shall state—

Their duty on inspecting Schools.

To report annually to the Superintendent on or before the first day of November.

1st. The whole number of Schools and School districts in each Parish within the limits of each Inspector's district:

2nd. The number of pupils taught in each School over the age of five and under the age of sixteen years; and the number between the age of sixteen and twenty one years:

3rd. The length of time each School has been kept in each district by a qualified Teacher, the branches taught, the number of pupils in each branch, and the books used; the average attendance of male and female pupils in summer and winter:

4th. The amount of money which has been received and collected in each Parish during the year, distinguishing the amount apportioned from the Provincial Revenue, the amount realized by assessment, the amount subscribed and paid by the inhabitants, and the amount received from any other and what source or sources; and also how such money has been expended whether any part remains unexpended, and from what cause; the semi-annual salaries of the Teachers, male and female, with and without board:

5th. The number of School visits made during the year; the whole number of School Houses, their condition, the number rented, and the number erected during the year; of what character and by what means:

6th. The number of qualified Teachers, their classes, sexes, and religious persuasions; the number (so far as can be ascertained) of private Schools, and the number of pupils, and the branches taught therein; also any other information respecting the educational state, wants and advantages in each Parish within their respective districts, with such suggestions as may be deemed requisite, with a view to the improvement of Schools and diffusion of useful knowledge.

14. It shall be the duty of the Superintendent, under the direction of the Board of Education, to prepare suitable forms, and give such instructions as shall be deemed necessary and proper for making all reports and conducting all proceedings under this Act, and to cause the same, with other regulations for the better organization

Superintendent to prepare forms and give instructions;

J. H. ...
Superintendent to prepare forms and give instructions;
...

Collect and diffuse
information among
the people.

Book fund vested
in the Board of
Education.

organization and government of Parish Schools, to be transmitted to the officers required to execute the provisions of this Act; also to cause to be printed from time to time in a convenient form, so many copies of this Act, with the necessary forms, instructions and regulations to be observed in executing its provisions, as may be deemed sufficient for the information of all officers and teachers, and to cause the same to be distributed for that purpose; and to collect information on the subject of education, and to diffuse the same among the people of the Province.

15. The balances of money and stocks of books, maps and apparatus purchased for use in the Parish Schools under the authority of any previous Act of Assembly relating to the Parish Schools, whether in the hands of the Secretary of the Board of Education or of the Agents appointed to sell the said books, maps and apparatus, shall be due to the Provincial Board of Education under this Act, and be recoverable in any Court of Record of this Province in an action of debt instituted by order of the Board of Education, and in the name of the Superintendent; and the said Board of Education is hereby empowered to apply all balances of money now due, and the funds that shall arise from the further sale of books, maps and apparatus on hand, in providing such books, maps and apparatus for the use of the Parish Schools as they may deem proper, to be placed in charge of persons to be appointed for that purpose in the respective Counties, and sold for the use of such Schools at prices to be fixed by the said Board; and all persons appointed to sell such books and apparatus, shall on or before the thirty first day of December in every year, make a return of the books and apparatus sold, and also of the books and apparatus that may be remaining on hand, with an account of all sums of money by them respectively received during the year; the said returns and accounts to be sent to the Superintendent, and the several sums of money to be paid to the said Superintendent; which returns and accounts shall be laid before the Legislature within ten days after the opening thereof.

Duty of Teachers
as respects their
Schools.

16. It shall be the duty of the Teacher of every Parish School to teach diligently and faithfully all the branches of education required to be taught in the School, according to the terms of his engagement with the Trustees, and according to the provisions of this Act; to keep a daily register of the School, to maintain proper order and discipline therein, and generally to conduct the same according to the forms and regulations which shall be provided; also to keep a visitor's book, and enter therein the visits made to his School by the Inspector and Trustees respectively; also to exert his best endeavours both by example and precept to impress upon the minds of his scholars the principles of Christian religion, morality, and loyalty; provided that no child shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, which shall be objected to by his or her parents or guardians.

Superintendent to
apportion among
all the Parish
Schools money
granted for their
support.

17. It shall be the duty of the Superintendent, under the direction of the Board of Education, annually to apportion all the money granted or provided by the Legislature for the support of Parish Schools, and not otherwise appropriated, among the several Parishes in the respective Counties, in proportion to the number and classes of Schools reported by the Inspectors respectively to have been efficiently conducted in the preceding year, not exceeding an average of two hundred pounds to each Parish in any one County, nor two hundred and sixty pounds to any one Parish therein; and to see that the moneys so apportioned are applied to the purposes for which granted; and inasmuch as no reports have been made for the last year, the said apportionment shall for the present year be made according to the number and description of Schools certified by the several Courts of Sessions during the year one thousand eight hundred and fifty one.

18. The Teachers shall be entitled to receive from the Provincial Treasurer for teaching School under this Act, at and after the following rates, that is to say: Male Teachers of the first class, at and after the rate of thirty pounds per annum; of the second class, at and after the rate of twenty four pounds per annum; of the third class, at and after the rate of eighteen pounds per annum: and Female Teachers of the first class, at and after the rate of twenty-two pounds per annum; of the second class, at and after the rate of eighteen pounds per annum; and of the third class, at and after the rate of fourteen pounds per annum: provided that no Teacher shall be entitled to be paid for teaching for a less period than six months, without the special sanction of the Board of Education, nor unless the inhabitants of the School district shall in each and every case have subscribed and paid towards the support of the Teacher, at the same rate and in the same proportion as the Provincial allowance to the Teachers granted in this section is to be paid; or shall have furnished such Teacher with board, washing and lodging, and such accommodations as may be necessary for the reasonable comfort of the Teacher during the period for which the School shall have been taught, being not less than six months; or shall have raised by Parish or district assessment, as hereinafter provided, an amount equal to the sum to be subscribed and paid for the support of the Teacher by the inhabitants of each School district as aforesaid.

Allowances to Teachers.
Male Teachers.
Female Teachers.
Proviso as to period of teaching;
and contribution of inhabitants.

19. When any School shall have been taught for a period of not less than six months in accordance with the provisions of this Act, the Teacher shall exhibit to the Inspector of the County the original School Register and any other documents or returns prescribed by the Superintendent, and duplicates thereof; and if the said Inspector shall be satisfied that the School has been regularly kept, and the law complied with, he shall countersign the said School Register and other documents or returns, or the duplicates, with or without writing any special remarks thereon, and deliver them to the Teacher, together with a certificate in the following form, to be by such Teacher, together with the countersigned original or duplicate register and other documents or returns, forthwith transmitted by Post to the Superintendent:—

When a School has been kept six months, Register &c. to be exhibited to the Inspector, to be countersigned by him, and transmitted to the Superintendent, together with a certificate in a specified form.

“ I, A. B., the Inspector of Schools for the County of _____ do certify to the Provincial Board of Education, that in District number _____ (or called _____) a School House has been erected or provided; that C. D., a Teacher, being a British subject, of moral and sober habits, duly licenced, and of the _____ class of Teachers, has actually taught therein for the period of six months, that is, from the _____ day of _____ to the _____ day of _____ instant, (or last), to my satisfaction; and that the inhabitants of the said District (or Parish as the case may be) have subscribed and paid (or been assessed and paid, according to the fact) the sum of _____, (or have furnished the said Teacher during the said period with board, washing and lodging,) towards the support of the said School.

[Place and date of signing.]

A. B.,
Inspector of Schools
for the County of _____

20. The Superintendent shall at least semi-annually, under the direction of the Board, make out for each period a detailed Schedule for each County of all the Schools therein for which the requisite certificates, registers and other returns have been received by him, and approved by the Board, specifying in each such Schedule the name, sex and class of each Teacher, the District, Parish and County in which and the period during which each School has been kept, and the amount to be paid to each Teacher, and shall certify and transmit the same forthwith to the

Superintendent to make out a semi-annual schedule of Schools certified, and transmit the same to the Provincial Secretary.

Handwritten signatures and notes:
Under the
Superintendent
of Schools
Provincial Secretary.

Warrants on the Treasury to be issued in manner to be directed by the Board.

the Secretary of the Province; and Warrants on the Treasury, under the Hand and Seal of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, shall thereupon be issued in such manner as may from time to time be directed by the said Board for the remuneration of the several Teachers named in each Schedule, to the amount therein specified, being at and after the rate set forth in this Act; provided that no greater sum than two hundred and sixty pounds for any one year, or one hundred and thirty pounds for any half year, shall be drawn from the Provincial Treasury for the Schools of any one Parish, nor any greater allowance be made to any one County than an average of two hundred pounds for one year, or one hundred pounds for a half year, for each and every Parish therein, (except as hereinafter provided,) to be apportioned and allowed according to the scale that shall from year to year be made by the Superintendent under the authority of the seventeenth section of this Act.

Trustees of Schools to admit free Scholars.

21. It shall be the duty of the Trustees of Schools, and they are hereby authorized and required, to admit free scholars, being the children of poor and indigent parents, into the Schools in their respective districts; provided that no greater number than five free scholars shall be admitted and taught in any one School at one and the same time.

Proceedings towards assessments for the support of Teachers, erection of School Houses, &c.

22. And for the purpose of raising money by assessment for the support of the Parish School Teachers, the erection or repair of School Houses, and the providing of fuel, light and other necessaries, or the supply of books, maps and apparatus, the following proceedings may be had:—On the application of ten or more resident freeholders and householders in any Parish, or of five or more resident freeholders or householders in any School district, the School Trustees, or any two of them, at the cost of the applicants, shall, by notice advertised for at least twenty days in a newspaper, if any be published in the Parish, and also posted for the like period in five or more public places in such Parish or district, call, attend and preside at a public meeting of the inhabitants rateable upon property in the Parish or district; and if a majority of the rate payers upon property present at such meeting, (there being present not less than twenty in the case of a Parish, or ten in the case of a School district,) shall agree to raise any sum or sums of money by assessment, either for the support of the Teacher or Teachers of such Parish or district, or for the purchase of lands whereon to erect a School House or School Houses, or for supplying such School or Schools with fuel, light and other necessaries, or for the building or repairing of any School House or School Houses, or for the purchase of any books, maps or other apparatus for the use of the Parish Schools in the Parish or district, or for any or all of such purposes, then shall the Trustees, or any two of them, transmit the vote of the said meeting to the Assessors of Rates; and the sum or sums so voted shall be assessed upon and collected from the inhabitants of the Parish or School district in which the Teacher or Teachers are to be supported, the School land is intended to be purchased, the School House erected or repaired, or supplied with fuel, light or other necessaries, or books, maps or other apparatus to be provided, in the same manner as taxes for the support of the poor of the Parish or district are by law assessed and collected; and when collected, the money shall be paid into the hands of the School Trustees of such Parish or district, to be by them laid out and expended in strict accordance with the desire of the majority voting at such meeting, as expressed by their written resolutions; and the Trustees are hereby required so to expend the money so assessed and collected, under a penalty of twenty pounds for each and every omission or neglect, or for any misapplication of the money so placed in their hands, to be recovered with costs by an action of debt

debt at the suit of any resident freeholder of the Parish or district in which the offence shall be committed, who may choose to prosecute for the same; which penalty when recovered shall be applied, one half to the prosecutor and the other half to the benefit of the Schools of the Parish or district in which the default took place.

23. In every Parish or district in which the assessment principle shall be adopted, and put in operation under the provisions of this Act, and the sum required to be paid by the inhabitants of the Parish or district to entitle the Teacher or Teachers to the Provincial allowance, shall have been assessed and paid as required by the preceding section of this Act, each of the Parish Schools in such Parish or district shall be entitled to, and shall receive annually thereafter, so long as such assessment shall be annually continued and paid, an additional allowance of twenty five per centum over and above what is allowed to Parish Schools of the same class in Parishes or districts in which the assessment principle has not been introduced, and the tuition money of the pupils attending such Schools shall thereafter not exceed the sum of two shillings and six pence per quarter.

Additional allowances to Teachers in districts in which assessments for the Teachers are made.

24. All the provisions of this Act, whether they regard the engagement, qualifications or duties of Teachers, Trustees, Inspectors or other officers, or any other matter or thing, shall extend and be applied to all Schools established under the assessment principle, so far as the same are applicable thereto.

Provisions of the Act to extend to Schools established on the assessment principle.

25. In all the Counties that shall or may be incorporated under the provisions of the Municipal Act, intituled *An Act to provide for the establishment of Municipal Authorities in this Province*, the taxation and assessment for the support of the Parish Schools shall and may be governed and regulated thereby, anything in this Act to the contrary notwithstanding, so as not to interfere with the amount to be assessed.

Assessments for Schools may be governed by the Municipal Act where such is in operation.

26. Every Trustee of a Parish School who shall knowingly sign a false report, and every Teacher of a Parish School who shall keep a false School Register or make a false return, and every Inspector who shall make a false report, shall for each offence forfeit the sum of ten pounds, and may be prosecuted before any Justice of the Peace by any person whatsoever, and convicted on the oath of one or more credible witness or witnesses, and if convicted, the said penalty shall, if not forthwith paid, be levied, with costs, by distress and sale of the goods and chattels of the offender, under warrant of such Justice, and paid over by him to the Trustees of Schools of the Parish in which the offence shall be committed, to be by such Trustees applied for the benefit of the Parish Schools therein; and for want of goods and chattels whereon to levy, the said offender shall be committed to the common gaol of the County, there to remain for a period of thirty days.

Penalty for making a false report, return, &c.

27. The Superintendent, under the direction of the Board of Education, may, in cases where he may deem the same necessary, require sufficient security to be given by all officers or persons to whom shall be intrusted any money raised or granted under the provisions of this or any other Act for the benefit of Schools; and shall see that no deduction be made by way of commission or other charge on account of the receipt or expenditure of such moneys, or other services, beyond which may be allowed by the Board of Education.

Officers may be required to give security for money intrusted to them.

28. Any person who shall wilfully disturb, interrupt or disquiet the proceedings of any School meeting authorized to be held by this Act, or any School established under its authority, or shall wilfully injure any School House by breaking the windows thereof, or in any other manner, shall for each offence forfeit a sum not exceeding

Penalties for disturbing School meetings and Schools; and injuring School Houses.

exceeding forty shillings, and may be prosecuted before any Justice of the Peace by any person whatever, and convicted on the oath of one credible witness other than the prosecutor; and if convicted, the said penalty, if not forthwith paid, shall be levied, with costs, by distress and sale of the goods and chattels of the offender, under a warrant of such Justice, and paid over by him to the County Inspector for the benefit of the Parish School fund in the Parish in which the offence shall be committed; and for want of goods and chattels whereon to levy the same, the offender shall be committed to the common gaol of the County, there to remain for the space of ten days.

A printed abstract of the School Reports, and a Report of the condition of the Schools, to be annually laid before the Legislature.

29. The Superintendent, under the direction of the Board of Education, shall in each and every year prepare an abstract of all the School returns received from the Inspectors, and also a report of the actual condition and efficiency of the Parish Schools, embracing therein all the information he may be able to collect touching the educational system of the Province, and such plans and suggestions for the improvement thereof as he may deem applicable thereto, and shewing as far as he can ascertain, the amount of moneys expended for educational purposes in the Province, and from what source the same shall be derived; which shall be laid before the Legislature in a printed form within ten days after the opening thereof.

Method of defining School districts.

30. In order to divide the Parishes into School districts for the purposes of this Act, the Trustees shall express by words on paper the limits of each district by known and well defined boundaries, with or without reference to a plot or plan, and no actual survey shall be deemed necessary; they shall then file the written descriptive memorandum in the office of the Clerk of the Peace of the County in which the districts are situate, together with the plot or plan, if any such shall have been referred to; and a copy of the said descriptive memorandum, and of the plot or plan, if any, therein referred to, certified under the hand of such Clerk, shall be good evidence for the purposes of this Act in any Court of Justice or elsewhere, of the laying off of such districts by the Trustees therein named, and of the bounds thereof.

Pecuniary allowance may be made to pupil Teachers who have attended the Training School.

31. 'And whereas under the provisions of this Act no allowance is made for the expenses of pupils who shall hereafter attend the Normal School;' It shall and may be lawful for the Board of Education, in their discretion, in all cases where it shall be made to appear to the satisfaction of the said Board that any pupil or pupils so hereafter attending such Normal School, has or have attended for the *bona fide* purpose of becoming instructed therein as Teachers of Schools in this Province, after they shall have respectively passed their examination, and received a licence to teach, and shall have commenced teaching as a Teacher or Teachers under the provisions of this Act, to allow the said pupils respectively, towards the payment of their expenses, a sum not exceeding ten shillings per week each during the time they may have attended such Normal School, not exceeding in any case twelve weeks.

Authority to draw on the Treasury.

32. His Excellency the Lieutenant Governor or Administrator of the Government for the time being, is hereby empowered, by and with the advice of the Executive Council, from time to time to issue Warrants on the Provincial Treasury for the payment of the several allowances and salaries specified in this Act.

No Teacher to apply to the Legislature for remuneration, unless recommended by the Superintendent.

33. After the passing of this Act it shall not be lawful for any Teacher of a School in this Province to make application to the Legislature by Petition or otherwise for any appropriation or sum whatever, for teaching, unless recommended by the Superintendent and sanctioned by the Board of Education.

Limitation of Act.

34. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five.

CAP

A. D. 1852

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CAP. XLI.

This Act Recited in D. Laws Vol 2. Page 253. & Continued

An Act to amend an Act to incorporate the European and North American Railway Company.

Passed 7th April 1852.

which makes this Preamble Superfluous

WHEREAS the Act passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the European and North American Railway Company*, requires to be amended in certain particulars; Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

Private Act 14 V. c. 1.

1. The thirty eighth section of the aforesaid Act of Incorporation shall be and the same is hereby amended by the following addition thereto:—Provided always, that the Lieutenant Governor or Administrator of the Government for the time being, or any public officer by him appointed for that purpose, may direct the said Railway Company to make alterations in crossings which the increase of traffic on the highways, turnpike or other roads whatsoever, arising from that on the Railway, may render necessary, although at the outset a level crossing might be allowed without danger; and the alteration so directed shall forthwith be made by the Company.

14 V. c. 1, s. 38, amended.

Railway crossings to be altered on requisition.

2. The sixty first section of the said Act of Incorporation shall be and the same is hereby repealed; and in lieu thereof, it is enacted as follows:—The Directors of the said Railway Company shall be bound to provide such conveyance for the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia or Police Forces, at such time or times, (whether the same shall be the usual hours of starting trains or not,) as shall be required or appointed by any Officer duly authorized for that purpose, and with the whole resources of the Company, at fares not exceeding two pence sterling per mile for each commissioned Officer proceeding on duty, such Officer being entitled to conveyance in a first class carriage; and not exceeding one penny sterling per mile for each Soldier, Marine or Private of the Militia or Police Force, and also for each wife, widow, or child above twelve years of age, of a Soldier, entitled by Act of Parliament or by competent authority to be sent to their destination at the public expense; children under three years of age so entitled to be taken free of charge; and children of three years of age and upwards, but under twelve years of age, so entitled, being taken at half price of an adult; such Soldiers, Marines and Privates of the Militia and Police Force, and their wives, widows and children so entitled, being conveyed in carriages which shall be provided with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every Officer conveyed shall be entitled to take with him one hundred weight of personal luggage without extra charge; and every Soldier, Marine, Private, Wife, or Widow, shall be entitled to take with him or her half a hundred weight of personal luggage without extra charge; all the excess of the above weights of personal luggage being paid for at the rate of not more than one half penny per pound; and all public baggage, stores, arms, ammunitions, and other necessary things, (except gunpowder and other combustible matters, which the Company shall only be bound to convey at such prices and upon such conditions as may from time to time be contracted for between the proper authorities and the Company,) shall be conveyed at charges not exceeding two pence sterling per ton per mile, the assistance of the military or others being given in loading and unloading such goods.

14 V. c. 1, s. 61, repealed.

Railway Company to provide, whenever required, for conveyance of officers and soldiers, their wives and children, at specified rates.

Luggage.

Conveyance of public baggage, arms, ammunition, gunpowder and other combustibles.

3. In the event of a line of Electric Telegraph being established along the line of the Railway, either by the said Railway Company or by any other Company, partnership, person or persons, otherwise than exclusively for Her Majesty's service,

Use of electric telegraphs constructed along the line of Railway.

service, or exclusively for the purposes of the Railway, or jointly for both, the rate of such Electric Telegraph for the purpose of receiving and sending Messages, shall, subject to the prior right of use thereof for the service of Her Majesty, and for the purposes of the Company, and subject also to such equal charges and to such reasonable regulations as may be from time to time made by the said Railway Company, be open for the sending and receiving of Messages by all persons alike, without favour or preference.

The use of so much of the Railway as may be common to the contemplated Halifax and Quebec line to be conceded on equitable terms to the governing body of the latter.

4. In the event of the construction of the said European and North American Railway by the Company now incorporated for that purpose, the use of so much of said Railway as may be common to that Line and to the Halifax and Quebec Line, shall be conceded on fair and equitable terms and conditions to the governing body of the Halifax and Quebec Railway, if they demand it; and such terms and conditions shall be fixed by two arbitrators and an umpire, or the majority of them, of whom the two arbitrators shall be appointed by the governing bodies of the two Railways respectively, and the umpire shall be named by such arbitrators when so appointed.

Construction of this Act and two Acts of last Session if assented to by Her Majesty.

5. Provided always, that the two Acts or Bills intituled respectively *An Act to facilitate the construction of the European and North American Railway*, and *An Act further to facilitate the construction of the European and North American Railway*, which were passed in the last Session of the Legislature of New Brunswick, but which have not yet received Her Most Gracious Majesty's assent, shall in the event of both or either of them receiving such assent, be deemed to be and be construed as one Act with this present Act; and provided also, that nothing in such two Acts or Bills contained shall be so construed as to be inconsistent with or impede the concession of any facilities or the enjoyment of any advantages granted by an Act of the present Session in favour of the National and Provincial undertaking of the Halifax and Quebec Railway, but all provisions of such two Acts or Bills shall be so construed as to give a preference to the construction and maintenance of the said Halifax and Quebec Line, whenever by reason of its traversing the same ground, or otherwise, the interests of the two Railways may conflict or be incompatible.

The Acts for the Halifax and Quebec Railway to be construed so as to give that line the precedence.

1 June 1852

Not Depreciated but — CAP. XLII. *expired*
 An Act for the further amendment of the Law and the better advancement of Justice.
 Passed 7th April 1852.

Preamble.

WHEREAS it would greatly facilitate the administration of Justice in this Province, and reduce the expense thereof, if the Acts of Assembly were revised and properly arranged, and the proceedings in suits at law and in equity abridged and simplified;

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

Not more than five Commissioners to be appointed to revise the Laws, Report on the Courts' practice, and Law of Evidence.

1. The Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, is authorized and empowered, by Warrant under his hand and seal, to appoint three or more fit persons, not to exceed five in the whole, to be Commissioners as well to consolidate, simplify in their language, revise and arrange in one uniform code, the Acts of Assembly in this Province, incorporating in such revision and arrangement all such alterations and amendments as the said Commissioners shall deem necessary, as to report upon the practice and proceedings in the Courts of Law and Equity, and to suggest such alterations therein as may appear to the said Commissioners, or a majority of them, best adapted to lessen expense and advance

vance justice, and especially to take into consideration the Law of Evidence as it at present exists in this Province, and the propriety of altering the same, and to report the result of their doings to the Lieutenant Governor or Administrator of the Government for the time being, in separate Reports, embracing in one report the revision and codification of the Acts of Assembly, and in the other the practice and proceedings in the Courts of Law and Equity, and the other matters by this Act directed to be reported upon, to be by him laid before both Houses of the Legislature immediately after the then next meeting thereof, for their consideration and action, with a detailed account of the expenses thereof.

2. It shall be lawful for the said Commissioners so to be appointed, or the major part of them, for the purpose of procuring information relative to any of the matters aforesaid, to call before them any person or persons, and to require the production from any public office or department of any books, documents or papers connected with the proceedings of any Court where actions or suits at law or in equity are usually brought, as may be necessary; and the said Commissioners, or a majority of them, are hereby empowered to examine on oath or otherwise, according to the discretion of the said Commissioners, (which oath the said Commissioners or any one of them are hereby authorized to administer,) any person or persons, relating to such practice and proceedings, and touching all other matters to be inquired into under the provisions of this Act; and all such persons are hereby required to attend the said Commissioners from time to time and at such times and places as they or a majority of them shall appoint, on receiving due notice thereof, and on being required so to do.

The Commissioners may require the production of books, &c. connected with the proceedings of Courts;

And examine parties on oath.

3. The said Commissioners are hereby authorized to employ such clerks and assistants as may be necessary for the performance of the duties imposed upon them by this Act.

Authority to employ clerks and assistants.

4. This Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty four, and no longer.

Limitation.

See N. Laws Vol. 1, Page 484, Repealed

CAP. XLIII. An Act respecting Joint Tenancy.

See N. L. Vol. 1. Page 296, for a recency of this Act

Passed 7th April 1852.

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

1. Every Estate hereafter to be created, granted or devised to two or more persons in their own right shall be a tenancy in common, unless expressly declared to be in joint tenancy; but every Estate vested in Trustees or Executors as such, shall be held by them in joint tenancy.

Estates devised to several persons to be held in tenancy in common, unless otherwise provided for.

2. Any change of the Trustees in any Trust Estate pursuant to the powers of the original trust, shall not sever the title, but after every such change the joint tenancy shall exist in the whole body of Trustees, with all the force and effect of such original trust.

Joint tenancy after change of Trustees.

as above Repealed

CAP. XLIV.

Repealed in N. L. Vol. 1. Page 89.

An Act to authorize the Lieutenant Governor in Council to grant Lands upon equitable terms to persons now occupying the same under special circumstances.

Passed 7th April 1852.

WHEREAS it is supposed that divers persons have *bona fide* occupied or improved lands situated in the Islands in the Rivers Restigouche and Mistouche, and elsewhere, which lands have by the provisions of an Act

Preamble.

' of

‘ of the Imperial Parliament, intituled *An Act for the settlement of the Boundaries between the Provinces of Canada and New Brunswick*, become part and portion of New Brunswick, and are situated in the Counties of Restigouche or Victoria as the case may be;

Governor in Council authorized to grant certain land on Islands in the Restigouche and Mis-touche Rivers without sale, &c.

1. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government, by and with the consent and advice of Her Majesty’s Executive Council for the time being, whenever it shall be made to appear to his satisfaction that such *bona fide* occupation or improvement of lands took place before the passing of the said Act, to grant to such occupiers or improvers, or their heirs or assigns, on such conditions as to His Excellency may appear fair and equitable, the lands so occupied or improved, without any sale by auction, anything in any previous Act of the General Assembly of this Province to the contrary notwithstanding.

In R. Laws Vol. 1. Page 485
Repealed but
provided for
Act 5 W. 4, c. 46, continued.
In R. L. Vol. 1, Page 81. S. 5.
As above
R. L. Vol 1, Page 83.

CAP. XLV.

An Act further to continue the Act to provide for the services of the Clerk of the Circuit Courts in this Province.

Passed 7th April 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the services of the Clerk of the Circuit Courts in this Province*, be and the same is hereby further continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty seven.

CAP. XLVI.

An Act to provide for insuring the Legislative Library against loss or damage by Fire.

Passed 7th April 1852.

WHEREAS it is desirable that the Legislative Library of this Province should be secured against loss or damage by fire;

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

Authority to insure the Legislative Library against fire, in the names of the President of the Council and Speaker of the Assembly.

1. It shall be lawful for any Committee having the charge and superintendence of the Legislative Library of this Province, at all times to insure and to keep insured the said Legislative Library against loss or damage by fire, in such Insurance Office or Offices as they may think fit, and to effect any such insurance and take the policy or policies therefor in the joint names of the President for the time being of the Legislative Council and of the Speaker for the time being of the House of Assembly of this Province.

Policy to have the same effect as if the President and Speaker were joint owners.

2. Every such insurance so effected, and every policy of insurance so granted and taken, shall have the same effect in law as if the said President and Speaker were the joint owners of the property so insured; and in every case of loss or damage by fire during the continuance of any such insurance and policy, the said President and Speaker shall be and they are hereby authorized and entitled to demand and recover the insurance, or value thereof, under and upon the terms of such policy, in the same manner in all respects as any insurance or amount insured may be legally recovered by any private insurer or owner of insured property; and in case of the death of such President of the Legislative Council or of such Speaker of the House of Assembly respectively, all the rights and powers aforesaid shall enture to the survivor of them; and in case of any vacancy other

Proviso for death.

other than by death in the office of Speaker of the House of Assembly, all such rights and powers shall in the mean time devolve upon and enure to the President of the Legislative Council alone; and in case of the death or other vacancy in the office of both the President of the Legislative Council and Speaker of the House of Assembly, all such rights and powers shall devolve upon and enure to the Lieutenant Governor or Administrator of the Government for the time being; and in every action at law by any such sole plaintiff for the recovery of any amount of insurance under this Act, such death or vacancy shall be suggested on the record.

3. The Committee of the Legislative Library shall at every annual Session of the Legislature certify to the Speaker of the House of Assembly the amount required to be paid during the current year for premiums of insurance under this Act, which amount shall thereupon be granted by the Legislature, to be paid from time to time by Warrant of His Excellency the Lieutenant Governor; and all moneys recovered and received under and upon any policy or policies of insurance under and by virtue of this Act, shall forthwith be paid into the Provincial Treasury to the credit of the Province.

Committee of Library to annually certify expense of insurance.

As last reported CAP. XLVII. *See question O. L. Vol. 1. Page 124*
 An Act in amendment of an Act intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province.* 13 v. c. 30.
 Passed 7th April 1852.

WHEREAS it is considered necessary to amend the second Article of the first Section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province;*

Preamble.
13 v. c. 30.

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

1. For the purposes of the said second Article of the first Section of the said recited Act, the Town Clerk for each and every Parish shall give at least fourteen days notice of the time and place of meeting, by publishing the same in one or more of the newspapers (if any) published in the said Parish, and also by posting up the same in at least six of the most public places in the said Parish; and in case the said Town Clerk shall neglect or refuse to give such notice, or in case there shall be no Town Clerk in and for any Parish, then and in either of such cases it shall be lawful for any two Magistrates residing in the County, and they are hereby authorized and required, on the application of any five or more of the rate payers of the said Parish, to nominate and appoint a Town Clerk *pro hac vice*, who shall give at least seven days notice of the time and place of such meeting by publishing the same as hereinbefore required.

Town Clerks to give public notice of time and place of elections.

2. And whereas doubts exist as to the construction of Article three of Section seven of the aforesaid recited Act; Be it therefore enacted, that after the passing of this Act all vessels owned in the Province and arriving from any one port therein to another, also arriving from any port in Canada, Prince Edward Island, Nova Scotia, Newfoundland, and from a fishing voyage, shall be considered coasters under the said recited Act; and all vessels having British register, not owned in the Province, under one hundred tons burthen, trading between any of the above named Colonies (Newfoundland excepted) and a port in this Province, shall only be called upon for Harbour Master's fees four times in any one year at any one port.

Specification of coasters; and liability to pay harbour masters' fees.

CAP. XLVIII.

An Act to amend the Law relating to the local government of Counties, Towns and Parishes in this Province.

Passed 7th April 1852.

WHEREAS by an Act passed in the thirteenth year of Her present Majesty's Reign intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, a power is given to the Firewards, or any two of them, at any time to enter into any house or other building within the town, and examine any stoves, pipes, ovens, hearths or chimneys therein; and if in their opinion danger may be apprehended, they may by writing prohibit the lighting of fire therein until such alterations as they may specify in writing are first made: And whereas no power is given to the Firewards to inflict any penalty for disobedience to their directions;

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

1. From and after the passing of this Act whenever the Firewards, or any two of them, shall by writing forbid the lighting any fire in any stoves, pipes, ovens, hearths or chimneys, under the above recited Act, the party or parties neglecting to obey the same, or otherwise violate or disobey the orders or directions of such Firewards, or any of them legally given, shall forfeit and pay the sum of forty shillings for each and every offence.

2. In all cases where powers are given by law to the Firewards or any of them to order, direct or forbid anything to be done by any person or persons, and where no penalty is provided for by law, every person or persons disobeying such orders or directions, or otherwise infringing on the Act to consolidate and amend the Laws relating to the local government of Counties, Town and Parishes in this Province, shall forfeit and pay a sum not exceeding forty shillings.

3. All fines authorized and imposed by virtue of this Act shall be levied and collected in the same manner as other penalties prescribed by the said recited Act, and shall be paid to the Firewards of the town where the same are imposed, and applied by them for the purposes and in the same manner as other moneys received by them in their official capacity.

4. And whereas by Article sixth of the said recited Act it is provided that assessments to be raised for the erecting and repairing of engine houses, &c., shall be made in due proportion upon every person within the said town who shall inhabit, hold or occupy any house, shop, warehouse or other tenement: And whereas doubts have arisen as to the construction of said Article; It is hereby declared that such assessment shall only be levied upon the property, real or personal, actually belonging to any such person, and that no tenant shall be assessed for the value of any lands, tenements or property held or occupied by him as tenant, but the property of non-residents shall be assessed and the amount collected in the same way as taxes for Poor and County Rates.

Penalty for disobeying orders of Firewards in respect of fires in stores, &c.

Penalty for offences for which no specific penalty is appointed.

Recovery and application of fines imposed by this Act.

Proportions of assessments under Art. 6 of Sec. 6, of 13 V. c. 30.

Liability of property of non-residents.

CAP. XLIX.

An Act to revive and continue an Act relating to the holding of Circuit Courts and for other purposes.

Passed 7th April 1852.

WHEREAS an Act relating to the holding of Circuit Courts, which expired on the first day of May in the year of our Lord one thousand eight hundred and fifty one, was omitted to be continued in the last Session of Assembly: And whereas notwithstanding the expiration of the said Act, the said Courts

In P. Laws Vol. 1. Page 485, Preamble. 13 V. c. 30. Repealed. In further P. L. Vol. 1. Page 140.

Not repealed by P. Laws

In further P. L. Vol. 2. Page 105. 17th Nov. 1852.

' Courts have been regularly holden, and the other requirements of the said Act ' have been duly performed, and it is necessary to legalize the same, and also to ' revive and continue the said Act;'

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

1. Every act, matter and thing done or committed within the meaning and pursuant to the provisions of the Act of Assembly passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to Circuit Courts in this Province and to provide for the travelling expenses of the Judges holding such Courts*, and every act, matter and thing which may be necessary to complete what may have been begun within the provisions aforesaid, either before or since the expiration of the said Act, are hereby declared to be as valid, legal and effectual as if the said recited Act had been regularly continued.

Every thing done under Act 9 V. c. 57, and things necessary thereto before or since the expiration of the Act, confirmed.

2. The said recited Act is hereby revived and continued and shall be in force until the first day of May in the year of our Lord one thousand eight hundred and fifty five.

9 V. c. 57, revived and continued.

Su R. Laws. Vol. 1. Page 485.

CAP. L.

Repealed - Su R. L. Vol. 1. Page 149. S 32.

An Act to continue an Act intituled *An Act to regulate the inspection of Dry and Pickled Fish for home consumption and for exportation.* 5 W. 4, c. 43.

Passed 7th April 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the inspection of Dry and Pickled Fish for home consumption and for exportation*, be and the same is hereby continued in full force for two years from the first day of May next.

5 W. 4, c. 43, continued.

CAP. LI.

Repealed the following Session

An Act to prevent the traffic in Intoxicating Liquors.

Passed 7th April 1852.

WHEREAS experience has proved that the use of Intoxicating Liquors ' as a beverage is the cause of a very large proportion of the ills that ' affect communities in producing crime, poverty, disease and demoralization : ' And whereas it is the duty of all Governments to legislate for the happiness, ' comfort and prosperity of the people;'

Preamble.

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

1. No person shall by himself, partner in business, his clerk, servant or agent, manufacture any alcoholic or intoxicating liquors within this Province, except for religious, medicinal, chemical or mechanical purposes, excepting beer, ale, porter and cider, and not in that case without a licence first had and obtained from the Court of Sessions of the County, or the Corporate Body invested with the local government of the City or district in which the same shall be manufactured, (which licence shall only be in force and effect for the term of twelve calendar months from the date thereof, and may be annulled at any intermediate time for any violation of any of the provisions of this Act); and every such person before obtaining such licence shall execute and deliver to the said Court a Bond, with two good and sufficient sureties, in the penal sum of two hundred pounds, in substance as follows:—

Manufacture of intoxicating liquors, except for certain purposes, prohibited, and in these cases also without a licence from the local authorities.

' Know all men by these presents, that we as principal and sureties are ' held and firmly bound unto Her Majesty the Queen in the penal sum of two ' hundred

‘hundred pounds of lawful money of the Province of New Brunswick; for
 ‘which payment we bind ourselves, and each of us binds himself, our and each
 ‘and every of our heirs, executors and administrators, firmly by these presents.
 ‘Sealed with our Seals. Dated this day of A. D. 18 .
 ‘The condition of this obligation is such, that whereas the above bounden
 ‘ has been duly licenced to manufacture alcoholic liquors within the
 ‘County (or City or district) of for religious, medicinal, chemical and
 ‘mechanical purposes, and none other, for a period of twelve calendar months
 ‘from the day of :
 ‘Now if the said shall not violate the provisions, or any of them, of an
 ‘Act made and passed in the fifteenth year of the Reign of Her Majesty Queen
 ‘Victoria, intituled *An Act to prevent the traffic in Intoxicating Liquors*, but shall
 ‘in all respects conform thereto, then this obligation to be void, otherwise to
 ‘remain in full force.’

Sale or gift of
 intoxicating liquors
 except as aforesaid.
 to be prima facie
 evidence of contra-
 vention of Act.

Suitable persons to
 be appointed as
 local agents for the
 sale of wine, spirits,
 and other intoxica-
 ting liquors, for
 certain purposes.

Compensation.

Agents to receive a
 certificate of autho-
 rity to sell intoxica-
 ting liquors, after
 entering into bonds.

2. The sale or gift of any alcoholic or intoxicating liquors, excepting beer, ale, porter and cider, by any manufacturer thereof, to any person other than an agent appointed under Section third of this Act, shall be *prima facie* evidence of the manufacture thereof, in contravention of the first Section of this Act.

3. Any general or special Sessions of any County, or any Corporate Body invested with the local government of any City or district, may appoint some suitable person as the agent of said County, City or district, to sell at some central and convenient place within said County, City or district, spirits, wines and other alcoholic or intoxicating liquors, to be used for religious, medicinal, chemical and mechanical purposes, and no other, except as aforesaid; and such agent shall receive such compensation for his services as the Board appointing him shall prescribe; and shall, in the sale of such liquors, conform to such rules and regulations as the Court of Sessions or such Corporate Body as aforesaid shall prescribe for that purpose; and such agent appointed as aforesaid shall hold his situation for one year, unless sooner removed by the Board from which he received his appointment, as he may be at any time at the pleasure of said Board.

4. Such agent shall receive a certificate from the Court of Sessions, or such Corporate Body by whom he shall be appointed, authorizing him as the agent of such County, City or district, to sell intoxicating liquors for religious, medicinal, chemical and mechanical purposes only; but such certificate shall not be delivered to the person so appointed until he shall have executed and delivered to the said Board, a Bond with two good and sufficient sureties, in the sum of two hundred pounds, conditioned as follows:—

‘Know all men by these presents, that I as principal, and and as
 ‘sureties, are held and stand firmly bound to Her Majesty the Queen, in the
 ‘sum of two hundred pounds of lawful money of the Province of New Brun-
 ‘swick, to be paid to Her Majesty or Her Successors, for which payment to be
 ‘well and truly made, we bind ourselves, and each of us binds himself, our,
 ‘each and every of our heirs, executors or administrators, firmly by these
 ‘presents. Sealed with our seals, and dated this day of A. D. 18 .

‘The condition of this obligation is such, that whereas the above bounden
 ‘ has been duly appointed agent for the County (or City or district)
 ‘of to sell within and for and on account of said County (or City or dis-
 ‘trict) intoxicating liquors for religious, medicinal, chemical and mechanical
 ‘purposes, and no other, until the day of A. D. 18 , unless
 ‘sooner removed from said agency:
 ‘Now

‘ Now if the said shall in all respects conform to the provisions of an Act made and passed in the fifteenth year of Her Majesty’s Reign, intituled *‘ An Act to prevent the traffic in Intoxicating Liquors*, and to such rules and regulations as now are or shall be from time to time established by the Board for making the appointment, then this obligation to be void, otherwise to remain in full force.’

5. No person not being a licenced manufacturer thereof, or an agent appointed under the provisions of this Act, shall manufacture, expose, or keep for sale, or shall sell, dispose of, or exchange for any other matter or thing, any alcoholic or intoxicating liquors, except as before excepted, whatsoever, either directly or indirectly, under the penalty of five pounds to be imposed on the first conviction, ten pounds on the second, and imprisonment on the third and every subsequent conviction, for a period not more than twelve calendar months; such money to be applied to the use of the poor in the County, City or district in which such offence shall be proved to have been committed; the person convicted to stand committed until the same be paid; but nothing contained in this Act shall be construed to prevent any chemist, artist or manufacturer, in whose art or trade they may be necessary, from keeping at his place of business such reasonable and proper quantity of distilled liquors as he may have occasion to use in his art or trade, but not for sale, gift or barter.

No person other than a manufacturer or agent, to manufacture, sell or exchange any intoxicating liquors.

Penalty.

Exceptions.

6. If any clerk, servant or agent, or other person in the employment, or on the premises of another, shall sell or manufacture, or assist in selling or manufacturing any alcoholic or intoxicating liquors, except as before excepted, for the person in whose service he, she or they are engaged, in violation of the provisions of this Act, he, she or they shall be held equally guilty, and shall suffer the like penalty of five pounds on the first conviction, ten pounds on the second, and imprisonment for a period not more than twelve calendar months on the third and every subsequent conviction.

Clerks, servants, agents or others, selling, &c., to be liable to the same penalties as the principals.

7. No appeal or order for removal shall be allowed to the party against whom any judgment shall be rendered for any offence against the provisions of this Act before any two Justices of the Peace or Police Magistrate, unless such party shall recognize in the sum of twenty five pounds, with two good and sufficient sureties, in every case so appealed, to prosecute his appeal and to pay all costs, fines and penalties that may be awarded against him upon a final disposition of such suit or complaint; and no recognizance or bond shall be taken in cases arising under this Act except by the Justices or Judge before whom the trial was had; and the forfeiture for all bonds and recognizances given in pursuance of this Act, shall go to the County, or City or district where the offence was committed, for the use of the poor; and if the recognizance and bond mentioned in this section shall not be given within forty eight hours after the judgment, the appeal shall not be allowed, the defendant in the meantime to stand committed.

No appeal allowed, unless the party enter into recognizance for costs, &c.

8. The Court of Sessions of any County, or the Corporate Body invested with the local government of the City or district, whenever any complaint shall be made to them that a breach of the condition of any bond given by any person appointed under this Act to manufacture or sell alcoholic or intoxicating liquors, has been committed, shall notify the person complained of, and if upon a hearing of the parties it shall appear that any breach has been committed, they shall revoke and make void his appointment, and shall cause the bond so forfeited to be put in suit before a Court competent to try the same.

Appointment to manufacture or sell intoxicating liquors to be revoked on proof of breach of the conditions of the bond.

2. Any two Justices of the Peace, or any Judge of a Police Court, shall have jurisdiction in all cases arising under the fifth and sixth sections of this Act, and any

Jurisdiction in cases under the fifth and sixth sections.

any forfeiture or penalty arising under the same may be recovered by action of debt, on complaint before any such Justices or Judge in the County or district where the offence was committed, and the prosecutor or complainant may be admitted as a witness on the trial; and if such Justices or Judge before whom such trial shall be had shall so order, the defendant shall not recover costs though the prosecution fail.

Persons engaged in the unlawful manufacture of intoxicating liquors disqualified as jurymen under this Act.

10. No person engaged in the unlawful manufacture or traffic in intoxicating liquors shall be competent to sit upon any jury in any case arising under this Act; and when information shall be communicated to the Court that any member of any panel is engaged in such manufacture or traffic, or that he is believed to be so engaged, the Court shall inquire of the juror of whom such belief is entertained, and no answer which he shall make, shall be used against him in any case arising under this Act; but if he shall answer falsely, he shall be incapable of serving on any jury in this Province, but he may decline to answer, in which case he shall be discharged by the Court from further attendance as a juror.

On complaint on oath of three voters that intoxicating liquors are kept for illegal sale in a place to be specified, a search warrant to be issued.

11. If any three persons, voters in the County, City or district where the complaint shall be made, shall before any two Justices of the Peace or Judge of any Inferior Court of Common Pleas, or Judge of any Police Court, make complaint under oath or affirmation that they have reason to believe, and do believe, that alcoholic or intoxicating liquors, intended for sale by some person or persons not authorized to sell the same, are kept or deposited in any steamboat or other vessel, or in any carriage of any description, or in any store, shop, warehouse or other building or place in such County, city or district, by any person not authorized to sell the same in said County, City or district, under the provisions of this Act, said Justices or Judge shall issue their or his warrant of search to any sheriff, marshal or constable, who shall proceed to search the premises described in said warrant, and if any alcoholic or intoxicating liquors, except as before excepted, are found therein, he shall seize the same and convey them to some proper place of security, where he shall keep them until final action is had thereon; but no dwelling house in which, or in part of which, a shop is not kept, shall be searched, unless one at least of said complainants shall testify on oath to some act of sale of alcoholic or intoxicating liquors therein or therefrom, within at least one calendar month of the time of making said complaint; and the owner or keeper of said liquors seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the Justices or Judge by whose warrant the liquors were seized, and if he fail to appear, and it is shewn to the satisfaction of the said Justices or Judge that the said liquors were intended for sale, they shall be declared forfeited, and shall be destroyed by authority of the written order to that effect of said Justices or Judge, and in his presence or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed, in attesting that fact upon the back of the order by authority of which it was done; and the owner or keeper of such liquors shall pay a fine of ten pounds, and costs, or stand committed for three calendar months in default of payment.

Liquors found to be seized, and kept until final action.

No dwelling house, of which no part is a shop, to be searched, unless on a special oath to some act of sale, &c.

Seized liquors to be advertised when the owners are not known.

12. If the owner, keeper or possessor of liquors seized under the provisions of this Act shall be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages as near as may be, for two weeks, by posting up a written or printed description of the same in three public places; that if such liquors are actually the property of any person authorized to sell the same agreeably

ably to the provisions of this Act, they may not be destroyed, but upon satisfactory proof of such ownership within said two weeks before the Justices or Judge by whose authority said liquors were seized, said Justices or Judge shall deliver them to the owner, taking his receipt therefor upon the back of said order, which shall be returned to said Justices or Judge.

13. It shall be the duty of any Justice of the Peace, Mayor, Alderman, Assessor, City Marshal, Constable or Policeman, if he shall have information that any intoxicating liquors, except as before excepted, are kept or sold in any tent, shanty, hut or place of any kind for selling refreshment in any public place, on or near the ground of any cattle show, agricultural exhibition, military muster, or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises any intoxicating liquors, he shall seize them and arrest the keeper or keepers of such place, and take them forthwith or as soon as may be before some Justice or Judge of a Police Court, with liquors so found and seized, and upon the proof that said liquors are intoxicating, that they were found in possession of the accused in a tent, shanty or other place as aforesaid, he or they shall be fined in the sum of five pounds or be sentenced to imprisonment for thirty days, and the liquors so seized shall be destroyed by order of said Justice or Judge.

Any Justice, Mayor, Alderman, &c., on information that intoxicating liquors are kept for illegal sale in any shop, shanty, &c., to search for the same.

If found, keeper to be arrested and liquors seized.

14. All payments or compensations for liquors sold in violation of law, whether in labour, money or other property, either real or personal, shall be held and considered to have been received in violation of law and without consideration, and against law, equity and good conscience; and all sales, transfers and conveyances, mortgages, liens, pledges and securities of every kind, which either in whole or in part shall have been for or on account of alcoholic or intoxicating liquors, shall be utterly null and void against all persons and in all cases; and no rights of any kind shall be acquired thereby, and no action of any kind shall be maintained either in whole or in part for alcoholic or intoxicating liquors sold in contravention of this Act.

All payments for liquors illegally sold deemed illegal.

Securities given to be void.

15. All Acts and parts of Acts now in force relating to the sale of intoxicating liquors, or for granting licences, &c., be and the same are hereby repealed; provided that all licences granted under the authority of any of said Acts or parts of Acts shall continue in like force and effect as if the said Acts or parts of Acts had not been repealed, and that all rules and regulations made under and by virtue of any such Acts or parts of Acts shall continue of force during the term of such licences; provided also, that no inn keeper, tavern keeper or retailer, who, since the passing of any such Acts or parts of Acts, hath sold upon trust or credit any wine, brandy, rum, strong beer, ale, or any other strong or spirituous liquors, to any person whomsoever, shall have any remedy against said person, his executors or administrators, either in law or equity for the recovery of the same.

All Acts in force relating to the sale of intoxicating liquors, or granting licences, repealed.
Reservations.

16. Whenever in any of the aforesaid provisions words importing the singular number or masculine gender are used, the said provisions shall be understood to include several matters or things as well as one matter or thing, several persons as well as one person, and females as well as males, unless there be something in the subject or context repugnant to such a construction.

Interpretation of Act.

Number and Gender.

17. This Act shall not come into operation or be in force until the first day of June in the year one thousand eight hundred and fifty three.

Commencement of Act.

CAP. LII. *Print repealed*

An Act relating to the escheated property of Munson Gould Pickett.

Passed 7th April 1852.

Preamble.

‘WHEREAS certain property formerly belonging to Munson Gould Pickett ‘has by Judgment of Escheat become vested in the Crown, and it is ‘expedient that power should be given to the Government to grant or dispose of ‘the same in such manner and on such conditions as may be deemed necessary ;’

Governor in Council authorized to dispose by private sale or by way of gift, of the property formerly belonging to M. G. Pickett, and now vested in the Crown.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding anything contained in the fifth section of an Act made and passed in the eighth year of the Reign of His late Majesty William the Fourth, intituled *An Act for the support of the Civil Government of this Province*, it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to grant, lease or otherwise dispose of, either by private sale or by way of gift, all or any part of the property, whether real or personal, formerly belonging to Munson Gould Pickett, and now by judgment of escheat vested in the Crown, to such person or persons and upon such terms and conditions as to the Lieutenant Governor or Administrator of the Government, by and with the advice and consent aforesaid, may be deemed advisable.

See N. Laws Vol 1. Page 485. Repealed CAP. LIII.

14 V. c. 31.

An Act in amendment of the Act for the protection and regulation of the Sea and River Fisheries of this Province.

Passed 7th April 1852.

See R. L. Vol. 8. Page 262. for New Act.

14 V. c. 31. s. 13, repealed.

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

Penalty for breach of Sections 11 and 12 as to Dams and rubbish.

1. The thirteenth section of an Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act for the protection and regulation of the Sea and River Fisheries of this Province*, is hereby repealed.

Streams to which fish have not been in the habit of resorting exempted.

2. Whoever shall be convicted of any breach of the provisions of the eleventh and twelfth sections of the said recited Act shall forfeit and pay a sum not less than ten shillings and not exceeding fifteen pounds for each and every offence, at the discretion of the Justices of the Peace before whom the case may be tried, together with the costs of prosecution as provided in and by the eighth section of the said hereinbefore recited Act.

Justices authorized to assess for £40 to each Warden.

3. The streams and rivers of the Province to which fish have not at any time heretofore been in the habit of resorting shall be considered as exempt from the operation of the eleventh section of the said recited Act, and it shall be the duty of the Warden or Wardens within whose jurisdiction such streams and rivers shall fall, to determine upon such exemption.

Angling for Salmon permitted till 15th September.

4. The Justices of the Peace for any County or Counties to which any Warden or Wardens may have been appointed under the aforesaid Act, may at any General Sessions of the Peace, or at any Special Sessions of the Peace for that purpose convened, be and they are hereby authorized to make such rate and assessment upon the inhabitants of the said County or Counties as will raise the sum of forty pounds for each Warden appointed under the said Act, the same to be assessed, levied, collected and paid agreeably to any Acts now or hereafter to be in force for the assessing, collecting and levying County rates.

5. That angling for salmon shall be permitted until the fifteenth day of September, anything in the first section of the hereinbefore recited Act to the contrary notwithstanding.

CAP

Su R. Laws Vol. 1. Page 485

CAP. LIV.

Repealed

An Act to amend an Act intituled *An Act for the encouragement of Agriculture.*

Passed 7th April 1852.

12 V. c. 35.

See 17th Vol. 7 for more act

WHEREAS the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled *An Act for the encouragement of Agriculture,* 'have been misunderstood or wilfully abused;'

Preamble.

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

1. It shall be the duty of the Treasurer of any Agricultural Society applying for a warrant under the Act to which this is an amendment, to forward to the Provincial Secretary a list of the subscribers to such Society, with a copy of the bye laws by which the same is to be governed in the disposal of its funds, raised by subscription, or received from the Province, for the uses and purposes of such Society, accompanied by his account for the preceding year, duly audited and certified by the President and Committee of Audit; and the Treasurer shall make oath before a Magistrate that he verily believes that the amount set opposite to such subscribers' names have been paid *bona fide* by them, and that the same will be applied in strict accordance with the bye laws of the Society.

Duty of the Treasurer of any Agricultural Society on applying for a Warrant on the Treasury.

2. It shall not be lawful to issue a warrant to any Agricultural Society under the said Act, until such list, bye laws and certificates, upon oath, be filed in the Provincial Secretary's Office, agreeably to the provisions of this Act.

No Warrant to issue till lists, bye laws, &c., be filed in the Provincial Secretary's Office.

CAP. LV.

An Act to amend the Act to facilitate the construction of a Railway from Saint Andrews to Quebec.

Passed 7th April 1852.

Repealed in R. Laws Vol. 2. Page 322.

WHEREAS it is expedient to amend an Act made and passed in the 'fourteenth year of Her Majesty's Reign, intituled *An Act to facilitate the construction of a Railway from Saint Andrews to Quebec,* in certain particulars;'

Preamble.

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

14. V. c. 36. This is superfluous

The last proviso contained in the first section of the said recited Act, in these words, "Provided always that the shares to be delivered to the Provincial Treasurer on account of the Province, shall be of the same class and description as those paid up by the shareholders of the Company, for the purposes of this Act," be and the same is hereby repealed; provided always, that no further debentures shall issue under the provisions of this or the said recited Act, until it be made satisfactorily to appear to the Lieutenant Governor in Council, that a *bona fide* contract or contracts has or have been entered into for the completion of the said Railway, from, at or near Waweig to Woodstock, in the County of Carleton; provided that the following shall be the form of Debentures referred to in the said recited Act, and Coupons shall hereafter be annexed thereto, instead of the form prescribed in the Schedule to the said Act:—

Last proviso in Sec. 1 of 14 V. c. 36. repealed.

No debentures to be issued till a contract for the completion of the whole work to Woodstock has been entered into.

Form of debentures changed.

PROVINCE OF NEW BRUNSWICK.

No. £100 Sterling Debenture. £100 Sterling transferable.

Under the authority of the Legislature of the Province of New Brunswick.

The Government of New Brunswick promise to pay to the bearer, the sum of one hundred pounds sterling, thirty years from and after the day of , likewise the interest from the same date, at the rate of six per cent. per annum,

annum, to be paid half yearly on presentation of the proper Coupons for the same, as hereunto annexed, on the day of and the day of in each year, at the office of in London.

In testimony whereof, the Lieutenant Governor of the Province of New Brunswick, on behalf of the said Province, and by virtue of the authority vested in him by an Act of the General Assembly of the same, intituled *An Act to facilitate the construction of a Railway from Saint Andrews to Quebec*, which Act has been approved and allowed by Her Majesty, has hereunto set his hand and affixed his seal of office, at Fredericton, in the Province of New Brunswick, this day of A. D. 185 .

(Signed)

Countersigned by the Provincial Treasurer.)

COUPON.

PROVINCE OF NEW BRUNSWICK.

£3 Sterling.

£3 Sterling.

Half yearly interest dividend due on Debenture No. issued under the authority of the Provincial Legislature for one hundred pounds sterling, payable at the office of in London.

In testimony whereof, the Lieutenant Governor [and so forth, as in the preceding form.]

See C. Laws. Vol 1. Page 485.

14 V. c. 38.

CAP. LVI. *Repealed*

An Act to amend the Act for the establishment of Municipal Authorities so far as regards the County of Carleton. Passed 7th April 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows :-

Time for holding first election of Councillors under Act 14 V. c. 38.

1. That the first election for Councillors under the Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act for the establishment of Municipal Authorities in this Province*, shall take place on the first Tuesday in May in this present year, and the annual election for the same purpose shall be on the last Tuesday in December in every year, the first of which shall be on the last Tuesday in December of this present year, which elections shall be in lieu of the several times specified in the said recited Act for holding the same.

Act limited to Carleton.

2. The provisions of this Act shall only extend to the County of Carleton.

No above

CAP. LVII. *Repealed*

An Act to simplify the service of Process against Co-Partners in Trade in proceedings before Justices of the Peace, and in the City Court of Saint John. Passed 7th April 1852.

Process against Co-partners may be in the name of the firm and served on any member thereof doing business in the County in which issued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, in civil actions before Justices of the Peace or in the City Court of Saint John, brought against Co-partners in trade, doing business under the name of a firm, the names of the members composing which may not be set forth in full in the name and style of such firm, it shall be deemed sufficient in any process issued by any Justice of the Peace, or out of the said City Court, in such action or actions to insert the name and style of such firm as used by the said firm, and such process shall be deemed duly served or executed, if served or executed (as now by law required) upon any member

member of the said firm doing business in the County in which such process may have been issued, provided that no execution issued upon a judgment obtained upon any such process shall be levied upon other than partnership property.

CAP. LVIII.

This Act Repealed in R. Laws Vol 2. Page 178. & Continued

An Act further to extend the provisions of the Bank for Savings at Saint John.

Passed 7th April 1852.

Province Treasury authorized to receive further Savings Banks deposits in St. John, subject to Act 6. G. 4, c. 4.

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

1. That it shall be lawful for the Treasurer of the Province to receive further deposits from the Savings Bank established in the City of Saint John and to issue Debentures for the same, in like manner and subject to the like restrictions and provisions as are contained in the Act of Assembly passed in the sixth year of the Reign of His Majesty George the Fourth, intituled *An Act to encourage the establishment of Banks for Savings in this Province*, provided that the whole amount shall not exceed fifty thousand pounds over and above the amount for which Debentures have already issued and deposits been received within the Province; and provided further, that the interest which the said Savings Bank in Saint John shall be entitled to receive on such Debentures shall not exceed the rate of five per cent. per annum.

Province Treasury authorized to receive further Savings Banks deposits in St. John, subject to Act 6. G. 4, c. 4.

Whole amount not to exceed £50,000, and interest not to exceed 5 per cent.

2. The Provincial Treasurer shall from time to time call in any of the Debentures already issued, and pay the same, as well as any of the said deposits, unless the holders of such Debentures or the depositors shall prefer to continue the same in the public Treasury, in which case he shall issue new Debentures at a reduced rate of interest, or reduce the rate of interest to the amount per cent. per annum above mentioned, by indorsement on the Debentures already issued; such Debentures to be of the like form and subject to the like restrictions and provisions as in the said recited Act mentioned, except so far as this Act shall control the same.

Debentures already issued to be called in and paid off unless holder be willing to take a reduced rate of interest.

3. 'And whereas a grant of the sum of one thousand two hundred and ninety three pounds ten shillings and ten pence was made out of the Treasury of this Province, in the year of our Lord one thousand eight hundred and thirty six, to make up a loss sustained by the Savings Bank at Saint John, and it is just that the same should be repaid out of the profits arising from the management of the said Savings Bank;' It shall be lawful for the Trustees or Managers of the said Savings Bank from time to time to pay out of any profits which may at any time be in or belong to the said Savings Bank, after all interests due the depositors and expenses of management are paid, into the hands of the Province Treasurer for the public service such instalments of the said sum of one thousand two hundred and ninety three pounds ten shillings and ten pence as they may deem advisable, until the whole of such sum shall be finally repaid.

Provision for the repayment of £1,293 10 10 granted in 1836 to make up a loss sustained by the Bank in St. John.

CAP. LIX.

Not repealed by R. Laws.

An Act to secure to the holders of certain outstanding Debentures of the City and County of Saint John payment of the principal money and interest due thereon.

Passed 7th April 1852.

WHEREAS in pursuance of the power and authority given to them by certain Acts of the General Assembly, the Justices of the Peace of the City and County of Saint John did borrow divers sums of money for the purpose of erecting a House of Correction for the said City and County, for which,

Preamble.

4. V. e. 4.

‘ which, Certificates, Notes or Debentures were made and given as required by
 ‘ the said Acts, and it was in and by such Acts provided that annual assessments
 ‘ should be made for payment of the same, as by reference to such Acts will
 ‘ more fully appear: And whereas afterwards an arrangement was made for
 ‘ making the said House of Correction a Provincial institution; and under the
 ‘ provisions of an Act passed in the fourth year of Her Majesty’s Reign, intituled
 ‘ *An Act to establish a Provincial House of Correction*, the House of Correction,
 ‘ and the land, tenements and hereditaments held by the said Justices of the
 ‘ Peace for the site and purposes of the said House of Correction were transferred
 ‘ to and became vested in the Queen’s Majesty, provision being made in the said
 ‘ Act for payment of a certain part only of the debt incurred by the said Justices,
 ‘ for which Certificates or Debentures had been issued, it being expressly pro-
 ‘ vided by the said Act that no greater sum of money than four thousand pounds
 ‘ should be drawn from the Treasury for that purpose, nor any greater sum than
 ‘ five hundred pounds in any one year: And whereas the whole of the said sum
 ‘ of money so granted by the Legislature has been applied to payment of the
 ‘ said Certificates or Debentures, and a large portion thereof has been fully dis-
 ‘ charged, and several years’ interest paid on the remainder: And whereas the
 ‘ Debentures remaining unpaid amount to the sum of two thousand pounds
 ‘ for principal, with a considerable arrear of interest due thereon, for the payment
 ‘ of which no provision has been made by the Legislature, and the same remain
 ‘ a charge on the said City and County of Saint John, on the credit and for the
 ‘ purposes of which City and County the moneys were borrowed: And whereas
 ‘ it is unjust that payment according to the requisition of the Acts of Assembly,
 ‘ in reliance on which the Loans were obtained, should not be made in a reason-
 ‘ able time: And whereas in consequence of the transfer so made to the Province,
 ‘ and the provision made for part payment from the Treasury, the annual assess-
 ‘ ments on the said City and County were discontinued; and the Justices of the
 ‘ Peace of the said City and County entertain doubts of their power and authority
 ‘ to resume the said assessments, and to make rates and assessments for the pay-
 ‘ ment of the said outstanding Debentures; and it is expedient to give express
 ‘ authority by law for raising the sum necessary to discharge the said outstanding
 ‘ Debentures or Certificates;’

Be it therefore enacted by the Lieutenant Governor, Legislative Council and
 Assembly, in the manner following, that is to say:—

Justices in Sessions
 authorized to make
 annual assessments
 of not exceeding
 £600 and expenses
 of collecting, to dis-
 charge interest
 and principal due
 on the Debentures.

1. The Justices of the Peace of the City and County of Saint John at any
 General Sessions of the Peace, or at any Special Sessions for that purpose to be
 convened, are authorized and required to make a rate and assessment each and
 every year of a sum not less than four hundred pounds and not exceeding six
 hundred pounds, besides the expenses of assessing, levying and collecting, in any
 one year, for the purpose of discharging in the first place all arrears of interest
 which have accrued on such outstanding Certificates or Debentures, and after-
 wards the principal sums and after accruing interest on any part of the principal
 remaining unpaid, annually, until the whole of said Certificates or Debentures are
 fully paid and discharged; all which said several sums of money so to be assessed
 are to be assessed, levied, collected and paid under and by virtue of any Act or
 Acts of Assembly which at the time of making such assessments respectively
 may be in force in the Province for the assessing, levying and collecting of rates
 for public charges; provided always, that the last assessment to be made shall
 not be for any greater sum than may be necessary to discharge the balance of
 principal and interest on the said Debentures with the incidental expenses.

2. The moneys so to be assessed as aforesaid shall from time to time be applied, after the discharge of such arrears of interest now due and the yearly interest hereafter becoming due, to the payment of the principal sums mentioned in such Certificates or Debentures as are now outstanding and unpaid, in due numerical order, as provided for by the Acts or Act of Assembly under which the moneys were borrowed, beginning with the first or earliest number.

Moneys assessed to be applied to pay the Debentures in numerical order. after the interest on all is discharged.

3. The Treasurer of the said County of Saint John shall from time to time give one month's public notice by advertisement in one of the newspapers published in the said City of Saint John, for calling in such and so many of the Certificates or Debentures as he is prepared to pay off, specifying the number or numbers of the same in such advertisement; and from and after the expiration of the time named in the said notice, the interest on the Certificates or Debentures so appointed to be discharged shall cease; provided that at any time after such notice, and before the expiration of the month, the holder shall be entitled to payment, on demanding the same, of the principal and interest up to the time of payment.

County Treasurer to give public notice for calling in the Debentures he wishes to pay off.

4. The County Treasurer shall be entitled to the like remuneration of one per centum for his services upon the moneys to be from time to time paid into his hands under the assessments to be made by virtue of this Act, as allowed to be retained by him in the Act or Acts under which the Certificates or Debentures were given.

Remuneration of County Treasurer.

See N. Laws. Vol. 1. Page 425, CAP. LX.

repealed by N. Laws

An Act to prevent the placing and leaving of Poison for the destruction of animals on private property and on the public Roads and Streets in the City and County of Saint John.

under this provision

Passed 7th April 1852.

N. L. Vol. 1, Page 426

6 WHEREAS much and serious evil has arisen from the practice of placing and leaving poison for the destruction of wild animals in the woods and fields on private property in the City and County of Saint John, and also on the public roads and streets therein, whereby many domestic animals have been destroyed;

Preamble. S. 16.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That whosoever shall wilfully place or leave poison of any kind on the property of any private individual or individuals, or of any Body Corporate, or on any of the public roads or streets in the City and County of Saint John, for the purpose of destroying animals whether wild or domestic, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to pay a fine of five pounds, to be recovered before any two Justices of the Peace in the said City and County of Saint John; which penalty when recovered shall be applied as follows, that is to say: one half part thereof, after paying all the necessary expenses of recovery, shall be paid to the informer or informers, upon whose information such conviction may be obtained, and the remaining half part to the Overseers of the Poor for the said City and County for the use of the poor thereof; in default of payment of the said fine, the party convicted as aforesaid shall be committed to the Provincial Penitentiary for a period not exceeding ten days nor less than two days, as the said Justices in their discretion shall think fit; and the said fine or imprisonment shall be in addition to any other legal remedy for loss or damage sustained by any party by means of such poison.

Penalty for wilfully leaving poison of any kind on any private or Corporation property, or on any of the streets in Saint John, with the view to destroy animals.

Recovery.

Application.

Imprisonment on default of payment.

See N. Laws. Vol. 1. Page 485,

CAP. LXI.

12 V. c. 50.

An Act to continue an ~~An Act for regulating the shipping of Seamen at the Port of Saint John.~~
Passed 7th April 1852.

See memo

Act 12 V. c. 50, continued.

N. L. Vol. 1.

Page 216.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the twelfth year of the Reign of Her Majesty Queen Victoria, intituled *An Act for regulating the shipping of Seamen at the Port of Saint John*, be and the same is hereby continued and declared to be force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty four.

not repeated by N. Laws

CAP. LXII.

An Act to amend and explain an Act to permit the establishment of a Fish Market in one of the public Slips in the City of Saint John.
Passed 7th April 1852.

Preamble.
4 V. c. 14.

WHEREAS an Act was passed in the fourth year of Her Majesty's Reign, intituled *An Act to permit the establishment of a Fish Market in one of the public Slips in the City of Saint John*: And whereas doubts have arisen whether the said Act authorizes and empowers the Mayor, Aldermen and Commonalty of the City of Saint John entirely to occupy and fill up with erections and buildings the said public Slip, and thereby deprive the owners or occupiers of the lots or parcels of land having fronts on the north and south sides of the said public Slip, as well as all other of Her Majesty's liege subjects, of all access to and through the said public Slip and to the said lands and premises on the side lines thereof, and likewise to the Harbour, to the inconvenience of the public and the great loss and detriment of the owners and occupiers of the said lots or parcels of land;

Act 4 V. c. 14, not to empower the Corporation of Saint John to fill up the public slip at the foot of Duke Street with any incumbrance extending across the whole breadth of the said public slip;

1. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That nothing in the said recited Act contained does extend or shall be deemed or construed to extend to authorize or empower the Mayor, Aldermen and Commonalty of the City of Saint John to occupy and fill up the said public Slip at the foot of Duke Street with any fence, erection or building or incumbrance of any nature or description, extending in width on Saint John or Water Street, across the whole breadth or mouth of the said public Slip; or to legalize any fence, erection or building now made and erected or hereafter to be made and erected across the mouth of the said Slip other than the Fish Market first erected under the provisions of the said recited Act, fronting twenty eight feet on Saint John or Water Street, and extending the same width westwardly, and the wharf and erections in the rear thereof to the westward of the said Fish Market, of the same width as such market; or to authorize and empower the Mayor, Aldermen and Commonalty of the City of Saint John to erect or place any buildings, sheds or erections in the said public Slip between the north and south side lines of the Fish Market so first erected as aforesaid under the authority of the said Act, and such prolongation thereof westwardly, and the said north and south side lines of the said public Slip respectively; or to legalize or authorize any erection now placed or hereafter to be placed between the said north and south side lines of the said Fish Market so first erected and the said prolongation thereof westwardly, and the said north and south side lines of the said public Slip; provided always and be it enacted, that nothing herein contained shall prevent or be construed to prevent the Mayor, Aldermen and Commonalty of the City of Saint John, (if essentially necessary for the purpose of a Fish Market) from extending and enlarging the said Fish Market so first erected under

Or to legalize other than the herein specified erections.

Not to prevent the extension of the Fish Market, as herein specified.

under the authority of the said recited Act, by lengthening or extending the same to the westward, preserving the same width as when first erected, in such manner as from time to time may be necessary for further public accommodation as a Fish Market, always reserving and keeping open for public use the passages on the north and south sides of said building, and on the north and south lines of the properties so bounding on said Slip respectively; provided also, that nothing in this Act contained shall hinder or prevent the Mayor, Aldermen and Commonalty of the City of Saint John from removing from and out of the said Slip all or any erection made by them in the said public Slip under the provisions of the said Act, intituled *An Act to permit the establishment of a Fish Market in one of the public Slips in the City of Saint John*; or to prevent the said Mayor, Aldermen and Commonalty from making any arrangement with the owners of the property on the north and south sides of the said Slip with respect to the space between the said properties and the said Fish Market, and the prolongation of the same, which space is by this Act to be left open.

Not to prevent the Corporation from removing erections made under 4 V. c. 14;

Or making arrangements with owners of property on the north and south sides of the slip.

CAP. LXIII. *Not Repealed by R. Laws*

An Act in addition to an Act intituled *An Act for the better extinguishing of fires which may happen in the Parish of Portland, in the County of Saint John*.

Passed 7th April 1852.

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

Every person appointed a fireman, or hook and ladder man, in the Portland Fire District, as now or hereafter to be defined in the County of Saint John, during his continuance in such office and no longer, in addition to the privileges and exemptions allowed by law, shall also be freed and exempted from payment of any assessment made on him for County or Parish rates or taxes, or for the purposes of the Lamp, Police and Fire Department in the said Parish of Portland, provided that such exemption shall not in any individual case exceed twenty shillings in any one year.

Firemen and hook and ladder men in Portland, entitled to exemption from Parish and Lamp, Police and Fire rates, in addition to privileges already granted.

Limited to 20s. per annum.

Not Repealed by R. Laws. CAP. LXIV. *See further R. L. Vol. 1. Page 138.*

An Act to continue an Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland.

Passed 7th April 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty seven.

Local Act 13 V. c. 18, continued.

See R. Laws, Vol. 1. Page 485. CAP. LXV. *See Proclat. R. L. Vol. 1. Page 176.*

An Act to amend an Act intituled *An Act relating to the appointment of Commissioners of Sewers in the Counties of Westmorland and Albert*.

Passed 7th April 1852.

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

1. From and after the passing of this Act, it shall and may be lawful for the Commissioners of Sewers elected under the provisions of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating*

Commissioners of Sewers elected under Act 13 V. c. 9, authorized to make or repair roads

ing

through their districts, and assess therefor.

any as the appointment of Commissioners of Sewers in the Counties of Westmorland and Albert, to make and repair the roads leading through their respective districts, and to assess the proprietors of the marshes for the expenses thereof, in the manner provided by the fifth section of the said Act.

Public notice to be given of the intention of the Commissioners.

2. The said Commissioners, before proceeding to make or repair the said roads, or any of them, shall give notice of their intention by advertisement in three or more public places in the district.

The proprietors of a majority of the acres in the district, may prohibit the Commissioners from proceeding with the work.

3. The proprietors of a majority of the acres in the district in which the roads are to be made or repaired, may, by order in writing, to be personally served on some one or more of the said Commissioners, prohibit the said Commissioners from proceeding with the work so advertised; and on service of the said notice, the Commissioners shall not proceed with the work for one year; and not then until after advertisement as in the first instance, and so on as often as the case shall occur.

Not reported by R. Laws

CAP. LXVI.

An Act to legalize the acts of the Commissioners appointed to lay out a Street or Highway through the Town of Chatham, and to establish and regulate public Landings in the said Town.

Passed 7th April 1852.

Preamble.

4 V. c. 27.

WHEREAS by an Act made and passed in the fourth year of the Reign of Her present Majesty, intituled *An Act to authorize the appointment of Commissioners to lay out a Street or Highway through the Town of Chatham, and to establish and regulate public Landings in the said Town*, the Lieutenant Governor was authorized to appoint three or more fit persons Commissioners to lay out a Street or public Highway through the said Town of Chatham: And whereas but two persons were appointed under said Act, who attended to the duty, laid out said Street, and recorded the same under the provisions of said Act: And whereas doubts have arisen as to the legality of their proceedings, in consequence of the strict letter of the Act requiring three or more Commissioners; For remedy whereof,

Proceedings had by the two Commissioners appointed under 4 V. c. 27, legalized.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all the proceedings of the two Commissioners appointed under said Act, and which were had, taken and performed by such two Commissioners in accordance with the terms and provisions thereof, shall be and they are hereby declared as binding in every respect as if three Commissioners had been appointed under the said Act, and as if such survey and other proceedings had been made and taken by three Commissioners; anything in the said Act to the contrary notwithstanding.

Not reported by R. Laws.

CAP. LXVII.

An Act to authorize the erection of a Marine Hospital at the Port of Richibucto, in the County of Kent.

Passed 7th April 1852.

In New Stat

R.L. Vol. 1.

Page 54, which makes provision therefor

Preamble.

WHEREAS from the increase of trade at the Port of Richibucto, and the number of vessels annually arriving at the said Port, it has become necessary that an Hospital for the reception of sick and disabled Seamen should be built in or near the Town of Richibucto;

Surplus sick and disabled Seamen's Fund accruing at

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

1. The surplus money, if any, raised in the Port of Richibucto under and by virtue of an Act or Acts of the General Assembly of the Province, made and passed

passed for the relief and support of sick and disabled Seamen, not being paupers, belonging to this Province, or which may hereafter be made or in force for that purpose, shall after the payment of any debts already incurred for the support of sick and disabled Seamen at that Port, be applied to the erection of a suitable building as an Hospital for such Seamen, if considered necessary; provided always, that the Commissioners shall not proceed to the erection of any building without licence or authority first had and obtained for that purpose from the Lieutenant Governor or Administrator of the Government for the time being, by and with the consent of the Executive Council.

Richibucto, may be applied to the erection of an Hospital.

2. 'Whereas it may be expedient to purchase a lot or lots of Land at or near the Town of Richibucto, in the County of Kent, for the purpose of erecting such Hospital, if the Commissioners of Seamen's Funds for the Port of Richibucto, in the County of Kent, should agree for the purchase of a lot or lots of Land for the above purpose, and such purchase should be approved of and sanctioned by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council as aforesaid; The same shall and may be conveyed to the Justices of the Peace for the County of Kent, to hold, to them and their successors for ever, in trust for the use and purpose of such Marine Hospital as aforesaid.

Purchase of land for the building may be made, if approved by the Governor in Council.

Conveyance to be to the Justices of the County.

3. The Harbours, Waters, Creeks and places lying between the boundary line dividing the Counties of Northumberland and Kent coastwise, and Chockpish River, shall, for the purposes of this Act, and no other, be taken and considered as constituting the Port of Richibucto.

Port of Richibucto defined.

CAP. LXVIII. *Not reported by P. Laws*

An Act to settle and secure the Title to certain Lands in the County of Kent.

Passed 7th April 1852.

WHEREAS by Letters Patent under the Great Seal of the Province of New Brunswick, dated the sixth day of December in the year one thousand seven hundred and ninety three, certain Lands now in the County of Kent were granted to Pierre Richard and others as joint tenants: And whereas the occupiers and owners of the said Lands, representing themselves to be the owners thereof, during the last Session of the Legislature applied by Petition to the House of Assembly for an Act to settle their several Titles, which Petition was referred to a Select Committee of the said House, who made a Report, of which the following is a copy, that is to say:—"The Select Committee to whom was referred the Petition of Olivier Richard, Fabien D'Aigle, Fabien Richard, Simeon Thibideau, Joseph Richard, Simeon LeBlanc, and fifty two others, French inhabitants, residing on the south side of the Richibucto River, in the County of Kent, setting forth that in the month of June in the year of our Lord one thousand seven hundred and ninety one, Pierre Richard, Pierre Legere, Paul Babineau, Joseph Richard, Francois Richard, Michael Richard, Jean Baptiste Landry, Jean Richard, Senior, Jean Richard, Junior, Charles Maillet, David Thibideau, Basile Richard, Jean Richard, Joseph Richard, Junior, Pierre Gouelle, and Pierre Arsineau, natives of Canada, the ancestors and original proprietors of the Lands on which the Petitioners now live, petitioned Sir Thomas Carleton, the then Lieutenant Governor and Commander in Chief of the Province of New Brunswick, setting forth that they were natives of Canada, and settled there, occupied Lands whereon they could not make a living, that they desired to enjoy the privileges allowed to British subjects in this Province in holding their Lands from the King, and having come to Richi-

Preamble.

Petition to the Legislature.

Report of Select Committee of House of Assembly.

• bucto in search of situations, where they had found Lands to accommodate them,
• prayed His Excellency to grant them Lots on the Richibucto River, and to
• order the same to be laid out for them, as by a copy of the original application
• annexed to their Petition more fully appears; that in the month of October one
• thousand seven hundred and ninety one it was ordered in Council that such
• application should be complied with, the lands to be surveyed at the expense of
• the applicants; that the Petitioners were informed and believed that a survey
• was made of the out boundings in question by an officer under the control and
• direction of the then Surveyor General of Crown Lands, and that the applicants
• being unlearned persons, unacquainted with the law of New Brunswick or the
• nature of its Grants, and consequently ignorant of that survey which was requi-
• site to define their respective rights, and implicitly trusting to the wisdom and
• care of His Excellency and Council, and the Surveyor General, to do what was
• necessary to ascertain and establish their rights, and to give them their respec-
• tive Lots agreeably to their Petition, paid what was demanded of them for
• survey by the Surveyor General, and accordingly on the sixth day of December
• in the year of our Lord one thousand seven hundred and ninety three, a Grant,
• including Lands to other persons, was issued of the Lands in question, to the
• applicants and others, their heirs and assigns, being the forefathers, ancestors
• and persons through whom the Petitioners now claim the same, containing six
• thousand four hundred acres more or less, situate, lying and being adjoining
• the Harbour and River of Richibucto, on the Gulf of Saint Lawrence, abutted,
• bounded and described as in the second Tract named in the extract of the
• original Grant, and a copy of the original Plan in the Crown Land Office,
• annexed to their Petition, more fully appears; that the Grant so issued, as it
• was afterwards discovered by the Grantees, gave no distinct allotments by Plan
• or otherwise to the applicants, in severalty or portions, by metes, bounds or
• positions, to enable the respective owners to lay off their Lands by the aid of a
• Surveyor or otherwise, as is usual in such cases; and the original parties entered
• thereon, occupied and died without any division lines of their respective rights
• ever having been made between them; that there are now upwards of fifty
• families on the said Tract, consisting of a population of upwards of five hun-
• dred persons living thereon, being the children, grand-children, descendants
• and purchasers of the original proprietors, with no distinct allotment, especially
• of the Wilderness Land; that the Petitioners are placed in a most embarrassed
• and unfortunate situation, having no allotments which each individual or family
• can call its own and whereon to make improvements, or have the security of a
• home, nor capable of resorting to the ordinary legal remedies when wrongs are
• committed upon them; that although various persons from Richibucto and
• other places, without right, and in no way connected with the Lands in question,
• come and occupy them, or at least repeatedly cut and carry the best of the
• lumber, wood and other trees growing upon the Lands, and required for the
• immediate and necessary wants of the occupants, the Petitioners have no legal
• power to prevent or punish them; that the Petitioners are consequently suffering
• great injury arising from the extraordinary character of the Grant referred to,
• so issued by the Government without any apportionment or designation into
• Lots by Plan or otherwise, agreeably to the intention and wording of the
• aforesaid application, to enable the intermediate boundaries to be run, as was
• usual and essential in such cases, at the time such Grant issued; and praying
• that their unfortunate situation may be taken into account and some provision
• made for dividing the Lands and remedying the grievances therein complained
• of,

‘ of, or that such other relief may be afforded to them as to right and justice may
 ‘ belong, Report:—Your Committee having taken the circumstances of the case
 ‘ into their consideration, recommend that the Government should appoint during
 ‘ the ensuing summer a competent person from the indoor establishment of the
 ‘ Crown Land Office, to investigate the matters set forth in said Petition, and the
 ‘ situation of Land and the parties living thereon, and report for the information
 ‘ of this House at the next Session, and that Government pay his necessary
 ‘ expenses, and this House will make provision for the same, and that the House
 ‘ do address His Excellency to carry out this Report.

Committee Room, }
 26th April, 1851. }

W. J. RITCHIE.
 D. HANINGTON.
 R. B. CUTLER.”

‘ In pursuance of which Report the said House voted an Address to His Excel-
 ‘ lency the Lieutenant Governor, of which the following is a copy, that is to say :
 ‘ “ Resolved, That a copy of the Report of the Committee on the Petition of
 ‘ Olivier Richard and others, French inhabitants at Richibucto, as regards the
 ‘ defining of the bounds of an ancient Grant under which they hold their Titles,
 ‘ be communicated to His Excellency the Lieutenant Governor; and that an
 ‘ humble Address be presented to His Excellency, praying that His Excellency
 ‘ will be pleased to cause the recommendation therein contained to be carried
 ‘ into effect :” And whereas in pursuance of such Address, His Excellency the
 ‘ Lieutenant Governor in Council, on the fourth day of October in the year of
 ‘ our Lord one thousand eight hundred and fifty one, appointed the Honorable
 ‘ James Davidson to investigate the matters set forth in the said Report of the
 ‘ said Select Committee, the situation of the Lands, and to report the names of
 ‘ the respective parties living thereon, with their respective localities: And
 ‘ whereas in pursuance of such appointment the said James Davidson has attended
 ‘ to the duties thereby in him reposed, and has made a report of his doings to
 ‘ His Excellency the Lieutenant Governor, which has been laid before the House
 ‘ of Assembly, together with Schedules A and B and the Plan therein referred to,
 ‘ of which Report and Schedules the following are copies :—

Address to the
 Lieut. Governor.

Appointment of
 Commissioner.

“ Miramichi, January 20th, 1852.

“ SIR,—In pursuance of your communication of the 4th August last, I pro-
 ceeded to Richibucto on the 11th October, when I called a meeting of the inha-
 bitants interested in the Grant. On examination, I found it impossible to trace
 the respective claims by heirship, from their intermarriages, &c. After consi-
 derable conversation with them, I considered that the only thing I could do was
 to make a correct survey and plan of the whole Grant, agreeably to the way they
 had themselves divided and continued to occupy it for several years. It appears
 that two tracts of Land were granted to these people in the year 1793, and the
 second tract in the said grant, which is the land in question, was granted to Pierre
 Richard and fifteen others jointly. The original proprietors divided the land
 among themselves, as well the woodland as the plot of ground on which they then
 settled, and is now called the Village. The second generation made another
 division, and it has since been sub-divided as they increased, until they arrived
 at the strange figures represented on the plan herewith sent. I suggested to
 them the propriety of having the land laid off in something like regular lots, or
 as much so as possibly could be done under the circumstances, but they objected
 to make the least deviation from their present possessions. All the persons
 named in the Schedule attached to the plan are those at present in possession,
 and

Report of
 Commissioner.

and are the descendants of the original grantees, persons and their descendants, who have married heirs, and a few who have purchased, but they appear to be all perfectly satisfied that the present occupants are the sole and only owners, agreeably to the manner in which it has been surveyed. The possessors are altogether of French descent, with one exception, Henry Peters, who occupies a lot purchased from the original owners, (for the purpose of building a Grist Mill) by Thomas Atkinson his father-in-law, who died last December at the advanced age of ninety five years, and left this property by deed to the said Henry Peters and his wife. A few of the heirs have left Richibucto and gone to Prince Edward Island and other places, but I was informed by all those remaining, that all those persons have sold their respective shares prior to their leaving. The proprietors then stated to me that they would give any price to any of those interested in the grant who was determined to sell, rather than that he would sell it to a stranger, as they were determined not to sell any part of it to any person but to some of those interested, until they got the matter settled, and that then each would be master of his own and could do as he pleased with it. As relates to the Marshes, I found the divisions so small that it was impossible to mark the separate lots on a plan; in many instances the Marsh lots are not sixty links wide; I therefore surveyed the whole of the Marshes, and distinguished them separately from the Upland on the plan. There will be no difficulty about the Marsh, as each party has his lot well marked off, and continues to occupy it without any interference. I was very careful in taking down the names of the respective occupants, to ascertain the proportion belonging to each, as will be seen on reference to the Schedule attached to the plan; and from the best information I could get, I think the present occupants are the only and sole owners, agreeably to the different proportions mentioned in the said Schedule. When I went to Richibucto and ascertained what was to be done, I found that I could not spare so much time as it would require to complete the whole myself, I therefore employed Peter Muserol, the Deputy Surveyor of that district, to assist me, who was with me the whole time, and I found him well qualified for the duties he had to perform.— Agreeably to your instructions, I send herewith my Account for this service, which I trust will be found satisfactory, and I will only add that I spared no pains to obtain the best possible information.

I have the honor to be, Sir,

Your most obedient servant,

JAS. DAVIDSON.

Honorable John R. Partelow,
Provincial Secretary, Fredericton.”

A

“ Schedule containing the names of the possessors of the Grant to Pierre Richard and fifteen others at Richibucto, with the number of each Lot as represented on the Plan :—

No. 1. Dominic Richard, Jno. Babineau, Damas Richard, and Jos. Allen ;—
2. Dominic Richard ;—3. John Babineau ;—4. Dominic Richard ;—5. John Babineau ;—6. Damas Richard ;—7. Joseph Allen ;—8. Damas Richard ;—9. Dominic Richard, Jno. Babineau, Damas Richard, and Joseph Allen ;—10. John Babineau ;—11. Damas Richard ;—12. John Babineau ;—13. Joseph Allen ;—
17. John Babineau ;—18. Damas Richard ;—19. John Joseph Richard ;—20. Dominic Richard, Jno. Babino, Damas Richard, and Joseph Allen ;—21. Henry Peters and Roina Peters his Wife ;—22. Henry Peters, 1-3 ; Maxime Daigle,
Luke

Luke Daigle, Simon Hebert, Fabian Richard, Simon Richard, Oliver Richard, one equal share of the remaining 2-3;—23. Eustache Thibideau, 3-4; and Laurent Thibideau, 1-4;—24. Eustache Thibideau, 1-4; Urban Richard, 1-2; Simon Bazil Richard, 1-8; John Louis Babineau, Susan Richard, Teressa Richard, Julie Richard, Isabella Richard, 1-8 among them;—25. John Maillet, 1-2; John B. M'Kay and Pierre Maillet, 1-4 each;—26. Urban Richard, Susan Breau, Mary Maillet, 1-3 each;—27. Oliver Richard, Martin Richard, Francis Richard, Michel Richard, Mary Richard, Isabella Bourke, (formerly Richard), Eulilie Richard, Helen Breau, (formerly Richard), Margaret Richard, 1-10 each; Bridget and Oriet Richard, 1-20 each;—28. Raymond Richard;—29. Little John Richard;—30. Simon Babineau;—31. Jaque Richard;—32. Fidelle Cassey;—33. Simon Bazil Richard, 1-2; John Louis Babineau, Susan Richard, Teressa Richard, Julie Richard, Isabella Richard, the other half among them;—34. Lamant Maillet;—35. John Joseph Richard;—36. John Maillet, 1-3; Pierre Maillet, 1-3; John B. M'Kay, 1-3;—37. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—38. Mary Gallon, (formerly Bennet);—39. Eustache Thibideau;—40. Urban Richard, Susan Breau, (formerly Richard), and Mary Maillet, (formerly Richard);—41. Maxim Daigle and Luke Daigle;—42. John Maillet, 2-7; Urban Richard, 2-7; John B. M'Kay, 1-7; Peter Maillet, 1-7; John Louie Babineau, Susan Richard, Teressa Richard, Julia Richard, Isabella Richard, 1-14 among them; and Simon Bazil Richard, 1-14;—43. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—44. Urban Richard, 2-3; Susan Breau, (formerly Richard), 1-3;—45. Mary Babineau, (formerly Maillet), and Gertrude Cassey, (formerly Richard);—46. John Maillet, 1-4; Urban Richard, 1-4; Pierre Maillet, 1-8; and John B. M'Kay, 1-8;—47. Urban Richard, 3-7; Martin Richard, 1-7; Eustache Thibideau, 3-7;—48. Simon Bazil Richard, 1-2; John Louis Babineau, Susan Richard, Teressa Richard, Julie Richard, Isabella Richard, one half among them, being children of Mary Richard;—49. Raymond Richard;—50. Little John Richard;—51. Oliver Richard, Martin Richard, Francis Richard, Michel Richard, Mary Richard, Isabella Bourke, (formerly Richard), Eulilie Richard, Helen Breau, (formerly Richard), Margaret Richard, 1-10 each; Bridget and Oriet Richard, 1-20 each;—52. Sylvan Cassey;—53. John Joseph Richard;—54. Sylvan Cassey;—55. Maxim Daigle and Luke Daigle;—56. Little John Richard;—57. Raymond Richard;—58. Simon Bazil Richard, 1-2; John Louie Babineau, Susan Richard, Teressa Richard, Julia Richard, Isabella Richard, one half among them;—59. Urban Richard, 3-7; Martin Richard, 1-7; Eustache Thibideau, 3-7;—60. John Maillet, 1-2; John B. M'Kay, 1-4; Peter Maillet, 1-4;—61. Urban Richard, 1-2; Susan Breau, (formerly Richard), 1-2;—62. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—63. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—64. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—65. Urban Richard and Susan Breau, (formerly Richard), 1-2 each;—66. John Maillet, 1-2; John B. M'Kay, 1-4; Peter Maillet, 1-4;—67. Urban Richard, 3-7; Martin Richard, 1-7; Eustache Thibideau, 3-7;—68. Simon Bazil Richard, 1-2; John Louis Babineau, Susan Richard, Teressa Richard, Julie Richard, Isabella Richard, one half among them;—69. Raymond Richard;—70. Little John Richard;—71. Little John Richard;—72. Raymond Richard;—73. Simon Bazil Richard, 1-2; John Louis Babineau, Susan Richard, Teressa Richard, Julia Richard, Isabella Richard, one half among them;—74. Urban Richard, 3-7; Martin Richard, 1-7; Eustache Thibideau, 3-7;—75. John Maillet, 1-2; John B. M'Kay, 1-4; Peter Maillet, 1-4;—76. Urban Richard and Susan Breau, (formerly Richard), half each;—77. Laurent Thibideau;—78.

Mary

Mary Gallon, (formerly Bennet), 1-2; Eustache Thibideau, 1-2;—79. Urban Richard;—80. Laurent Thibideau;—81. John B. M'Kay and Pierre Maillet;—82. John B. M'Kay and Pierre Maillet;—83. John Maillet;—84. Francis Maillet and Germain Maillet;—85. John Maillet;—86. Urban Richard, Susan Breau, (formerly Richard);—87. Eustache Thibideau;—88. Eustache Thibideau;—89. Susan Breau;—90. John Maillet;—91. Urban Richard;—92. Martin Richard;—93. John Louis Babineau, Susan Richard, Julia Richard, Teresa Richard, Isabella Richard;—94. Simon Bazil Richard;—95. Roman Catholic Episcopal Corporation for the Diocese of New Brunswick;—96. John B. M'Kay and Peter Maillet;—97. John Maillet;—98. Raymond Richard;—99. Little John Richard;—100. Raymond Richard;—101. Simon Bazil Richard;—102. Little John Richard;—103. Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each; Isabella Bourk, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—104. John Joseph Richard;—105. Fidelle Cassey;—106. Joseph Babineau;—107. Laurant Maillet;—108. Laurant Maillet;—109. Joseph Babineau;—110. Fidelle Cassey;—111. John Joseph Richard;—112. Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—113. Same as 112;—114. John Joseph Richard;—115. Simon Babineau;—116. Felicity LeBlanc, (formerly Richard);—117. Olivier, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—118. Joseph Casey;—119. John Joseph Richard;—120. Felicity LeBlanc, (formerly Richard), 1-2; the other half to Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—121. John Joseph Richard;—122. Felicity LeBlanc, (formerly Richard);—123. John Joseph Richard;—124. John Joseph Richard;—125. Simon Bazil Richard, 1-2; John Louis Babineau, Susan, Teresa, Julia and Isabella Richard, one half among them;—126. Maxime and Luke Daigle;—127. Maxime and Luke Daigle;—128. Charlemaing Arcineau;—129. Mark Maillet, 1-2; Francis and Germain Maillet, 1-4 each;—130. John Maillet, 1-4; Urban Richard, 1-4; John B. M'Kay, 1-8; Peter Maillet, 1-8; Eustache Thibideau, 1-8; Simon Bazil Richard, 1-8;—131. Mark Maillet, 1-2; Francis and Germain Maillet, 1-4 each;—132. Little John Richard;—133. Little John Richard;—134. Laurent Babineau;—135. Simon Bazil Richard, 1-2; John Louis Babineau, Susan, Teresa, Julie and Isabella Richard, one half among them;—136. Raymond Richard;—137. Urban Richard;—138. Urban Richard, 1-3; Susan Breau, 1-3; Mary Maillet, (formerly Richard), 1-3;—139. Oliver, Francis, Martin, Michel, Mary, Eulilie and Margaret Richard, 1-10 each; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each; Bridget and Oriet Richard, 1-20 each;—140. Luke Daigle, Maxime Daigle, Fabian Daigle, Margaret Daigle, Louisa Daigle, 1-6 each; and Damian Richard, Mary Richard, and Margaret Richard, 1-6 among them;—141. Eustache Thibideau, 3-4; Laurent Thibideau, 1-4;—142. Pierre Casey;—143. John Joseph Richard;—144. Joseph Casey;—145. Margaret Daigle, (formerly Richard);—146. Simon Babineau;—147. John Maillet;—148. Urban Richard, Susan Breau, Mary Maillet, (formerly Richard), 1-3 each;—149. John Maillet, 1-4; Pierre Maillet and John B. M'Kay, 1-8 each; Urban Richard, 1-4; Eustache Thibideau, 1-8; John Louis Babineau, Susan, Teresa, Julia and Isabella Richard, 1-8 among them;—

them ;—150. John Joseph Richard ;—151. Urban Richard ;—152. Eustache Thibideau, 3-4 ; Laurent Thibideau, 1-4 ;—153. Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each ; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—154. Simon Richard, Fabian Richard, Oliver Richard, Simon Hebert ;—155. Simon Thibideau and Little Joseph Richard ;—156. Fabian Richard ;—157. Simon Thibideau ;—158. Little John Richard ;—159. Simon LeBlanc ;—160. Germain Maillet ;—161. Francis Maillet ;—162. Pierre Casey ;—163. Oliver Maillet ;—164. Simon Richard ;—165. Ami Maillet ;—166. Laurent Richard ;—167. Eustache Thibideau ;—168. Charles Richard ;—169. Big Joseph Richard ;—170. Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each ; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—171. Germain Thibideau ;—172. Germain Thibideau, 1-2 ; and the other half to Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each ; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 ; Bridget and Oriet Richard, 1-20 each ;—173. Ami Maillet and Oliver Maillet, one half each ;—174. Simon Thibideau, 3-4 ; Peter Casey, 1-4 ;—175. Laurent Richard ; 176. Francis Maillet ;—177. Little John Richard ;—178. Francis Maillet ;—179. Laurent Richard ;—180. Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each ; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—181. Eustache Thibideau ;—182. Little John Richard ;—183. Oliver Maillet ;—184. Pierre Casey ;—185. Simon Bazil Richard and Charles Richard ;—186. Overplus belongs to the whole.—*Richibucto Island*.—187. Raymond Richard ;—188. Eustache Thibideau, 3-4 ; Laurent Thibideau, 1-4 ;—189. Lamant Maillet ;—190. John Joseph Richard ;—191. Simon Bazil Richard, 1-2 ; John Louis Babineau, Susan, Teressa, Julie, Isabella Richard, one half among them ;—192. John Maillet, 1-4 ; Urban Richard, 1-4 ; Pierre Maillet, 1-8 ; Jno. B. M'Kay, 1-8 ; Eustache Thibideau, 1-8 ; Simon Bazil Richard, 1-8 ;—193. Fidelle Casey ;—194. Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, 1-10 each ; Isabella Bourke, (formerly Richard), Helen Breau, (formerly Richard), 1-10 each ; Bridget and Oriet Richard, 1-20 each ;—195. Dominique Richard, John Babineau, Damas Richard, and Joseph Allen ;—196. Urban Richard, Susan Breau, (formerly Richard), Mary Maillet, (formerly Richard) ;—197. Damas and Dominique Richard ;—198. Little John Richard ;—199. Simon Babineau ;—200. Maxime Daigle, Luke Daigle, Simon Hebert, Fabian Richard, Simon Richard, Oliver Richard ;—201. John Maillet, 1-3 ; Pierre Maillet, 1-3 ; John B. M'Kay, 1-3 ;—202. Urban Richard, Susan Breau, (formerly Richard), Mary Maillet, (formerly Richard).

14. Dominic Richard, }

15. Dominic Richard, }

16. Joseph Allen, }

These were left out at the proper place.

Miramichi, Jany. 20th, 1852.

JAMES DAVIDSON, *Dy. Survey.*"

B

" Abstract of Schedule, shewing the several Lots and proportions of Lots owned by each person:—

Dominic Richard, John Babineau, Damas Richard, and Joseph Allen, Lots No. 1, 9, 20 and 195 on the Island :

Dominic

Dominic Richard, Lots No. 2, 4, 14, 15 :
 John Babineau, No. 3, 5, 10, 12, 17 :
 Damas Richard, No. 6, 8, 11, 18 :
 Joseph Allen, No. 7, 13, 16 :
 John Joseph Richard, No. 19, 35, 53, 104, 111, 114, 119, 121, 123, 124, 143,
 150, and Island Lot No. 190.
 Henry Peters, and Roina his wife, Lot No. 21 :
 Henry Peters, northwesterly third of Lot 22 :
 Maxime Daigle, Luke Daigle, Simon Hebert, Fabian Richard, Simon Richard,
 and Oliver Richard, one share each of the remaining two thirds of Lot 22 and
 Island Lot 200 :
 Eustache Thibideau, 3-4, and Laurent Thibideau, 1-4 of Lots 23, 37, 43, 62,
 63, 64, 141, 152, and Island Lot 188 :
 Eustache Thibideau, 1-4; Urban Richard, 1-2; Simon Bazil Richard, 1-8; John
 Louis Babineau, Susan, Teresa, Julia and Isabella Richard, 1-8 equally among
 them of Lot 24 :
 John Maillet, 1-2; John B. M'Kay and Pierre Maillet, 1-4 each of Lots No. 25,
 60, 66, 75 :
 Urban Richard, Susan Breau, and Mary Maillet, 1-3 each of Lots No. 26, 40,
 138, 148, and Island Lots 196 and 202.
 Oliver Richard, Martin Richard, Francis Richard, Michel Richard, Mary
 Richard, Isabella Bourke, Eulilie Richard, Helen Breau, Margaret Richard, 1-10
 each; Bridget and Oriet Richard, 1-20 each of Lots No. 27, 51, 103, 112, 113,
 117, 139, 153, 170, 180, and Island Lot No. 194 :
 Raymond Richard, Lots No. 28, 49, 57, 69, 72, 98, 100, 136, and Island Lot
 No. 187 :
 Little John Richard, No. 29, 50, 56, 70, 71, 99, 102, 132, 133, 158, 177, 182,
 and Island Lot No. 198 :
 Simon Babineau, Lots No. 30, 115, 146, and Island Lot 199 :
 Jaque Richard, No. 31 :
 Fidelle Casey, No. 32, 105, 110, and Island Lot 193 :
 Simon Bazil Richard, 1-2; John Louis Babineau, Susan, Teresa, Julie and
 Isabella Richard, equal shares of remaining half of Lots No. 33, 48, 58, 68, 73,
 125, 135, and Island Lot 191 :
 Lamant Maillet, Lots No. 34, 107, 108, and Island Lot 189 :
 John Maillet, Pierre Maillet, and John B. M'Kay, 1-3 each of Lot No. 36,
 and Island Lot 201 :
 Mary Gallon, (formerly Bennet), Lot No. 38 :
 Eustache Thibideau, Lots No. 39, 87, 88, 167, 181 :
 Maxime Daigle and Luke Daigle, No. 41, 55, 126, 127 :
 John Maillet and Urban Richard, 2-7 each; John B. M'Kay and Peter Maillet,
 1-7 each; John Louis Babineau, Susan, Teresa, Julie, and Isabella Richard,
 1-14 among them; Simon Bazil Richard, 1-14, Lot No. 42 :
 Urban Richard, 2-3; and Susan Breau, 1-3, No. 44 :
 Mary Babineau and Gertrude Casey, half each, No. 45 :
 Urban Richard, 3-7; Martin Richard, 1-7; Eustache Thibideau, 3-7, of Lots
 No. 47, 59, 67, 74 :
 John Maillet, and Urban Richard, 1-4 each; Pierre Maillet, John B. M'Kay,
 Eustache Thibideau, and Simon Bazil Richard, 1-8 each, Lots 46, 130, and
 Island Lot 192 :
 Sylvan Casey, Lots No. 52, 54 :

Urban

Urban Richard, and Susan Breau, 1-2 each, No. 61, 65, 76, 86 :
 Laurent Thibideau, No. 77 and 80 :
 Eustache Thibideau, and Mary Gallon, one half each of Lot No. 78 :
 Urban Richard, Lots No. 79, 91, 137, 151 :
 John Baptist M'Kay, and Pierre Maillet, 1-2 each, No. 81, 82, 96 :
 John Maillet, No. 83, 85, 90, 97, 147 :
 Francis Maillet, and Germain Maillet, 1-2 each, Lot No. 84 :
 Susan Breau, No. 89 :
 Martin Richard, 92 :
 John Louis Babineau, Susan, Teressa, Julie, and Isabella Richard, Lot No. 93 :
 Simon Bazil Richard, No. 94, 101 :
 Roman Catholic Episcopal Corporation, No. 95 :
 Joseph Babineau, Lots No. 106, 109 :
 Felicity LeBlanc, Lots No. 116, 122 :
 Joseph Casey, Lot No. 118 :
 Felicity LeBlanc, 1-2 ; Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, Isabella Bourke, Helen Breau, 1-10 each ; Bridget and Oriet Richard, 1-20 each of the remaining half of Lot No. 120 :
 Charlemang Arcineau, Lot No. 128 :
 Laurent Babineau, 134 :
 Mark Maillet, 1-2 ; Francis and Germain Maillet, 1-4 each of Lots No. 129 and 131.
 Luke, Maxime, Fabian, Margaret, Louisa Daigle, 1-6 each ; Damien, Mary and Margaret Richard, 1-6 among them of Lot No. 140 :
 Pierre Casey, Lots No. 142, 162, 184 :
 Joseph Casey, Lot No. 144 :
 Margaret Daigle, (formerly Richard), Lot No. 145 :
 John Maillet, 1-4 ; Pierre Maillet, and John B. M'Kay, 1-8 each ; Urban Richard, 1-4 ; Eustache Thibideau, 1-8 ; John Louis Babineau, Susan, Teressa, Julie, and Isabella Richard, 1-8 among them, Lot No. 149 :
 Simon Richard, Fabian Richard, Oliver Richard, and Simon Hebert, 1-4 each, Lot No. 154 :
 Simon Thibideau, and Little Joseph Richard, 1-2 each, No. 155 :
 Fabian Richard, Lot No. 156 :
 Simon Thibideau, 157 :
 Simon LeBlanc, Lot No. 159 :
 Germain Maillet, Lot No. 160 :
 Francis Maillet, Lots No. 161, 176, 178 :
 Oliver Maillet, Lots No. 163, 183 :
 Simon Richard, Lot No. 164 :
 Ami Maillet, Lot No. 165 :
 Laurent Richard, Lots No. 166, 175, 179 :
 Charles Richard, Lot No. 168 :
 Big Joseph Richard, Lot 169 :
 Germain Thibideau, Lot No. 171 :
 Germain Thibideau, 1-2 ; Oliver, Martin, Francis, Michel, Mary, Eulilie and Margaret Richard, Isabella Bourke, Helen Breau, 1-10 each ; Bridget and Oriet Richard, 1-20 each of the remaining half of Lot No. 172 :
 Ami Maillet, and Oliver Maillet, 1-2 each, Lot No. 173 :
 Simon Thibideau, 3-4 ; and Peter Casey, 1-4 of Lot No. 174 :
 Simon Bazil Richard, and Charles Richard, Lot No. 185.
 Miramichi, Jany. 20th, 1852.

JAMES DAVIDSON, *Dy. Surveyor.*"

‘ And whereas the said Report and Schedules, together with the Plan therein referred to, are by this Act directed to be filed in the Secretary’s Office and entered of Record therein: And whereas with a view of carrying out the recommendation of the House of Assembly as contained in the said Report of the said Select Committee as aforesaid ;’

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

Recited Report and Schedules to be filed in the Office of the Provincial Secretary, and entered of record.

1. The said Report and Schedules marked A and B set forth in the recital to this Act, together with the Plan accompanying the same, so made by the Honorable James Davidson, the person appointed as above set forth, dated the twentieth day of January one thousand eight hundred and fifty two, shall be deposited in the Provincial Secretary’s Office and entered of Record therein, as Grants and Plans are entered.

Title vested in the persons named in the Schedules.

2. A good and legal Title to the respective Lots marked on the said Plan, or actually laid off by metes and bounds by the said James Davidson, is hereby severally vested in the persons named in the said Schedules, Plan and Report, as owners thereof, subject as hereinafter mentioned.

Certified copy of the Plan, Report and Schedules, or of the Record, under Act 3 V. c. 65, to be evidence in all Courts of law or equity.

3. From and after the passing of this Act a certified copy of the said Plan, Report and Schedules, or of the Record thereof, under the Great Seal of this Province, or certified according to the provisions of an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent*, shall be good and legal evidence in any Court of law or equity in this Province of the several Titles of the respective persons mentioned by the said James Davidson, their heirs and assigns, to the lands therein described as belonging to them respectively ; provided always, that nothing in this Act contained shall extend or be construed to extend to interfere with or militate against the legal right of any party or parties claiming title or interest in or to any part or parts thereof, whose names are not included in the said Schedules A and B.

A certified copy of the Schedules to be registered, and Plan and Report to be filed with the County Register, at the expense of the parties.

4. A certified copy of the said Plan, Report and Schedules, shall be transmitted to the office of the Registrar of Deeds and Wills in the County of Kent, the said Schedules to be registered in the said office, and the said Plan and Report to be kept on file for reference, at the expense of the parties interested, who are hereby required to pay the Registrar his fees before he be required to register such Schedules, Plan and Report.

CAP. LXIX.

An Act to continue the Charter of the Central Bank of New Brunswick.

Passed 7th April 1852.

Act 4 W. 4, c. 44, continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act to incorporate sundry persons by the name of the President, Directors and Company of the Central Bank of New Brunswick*, and all Acts in amendment thereof, shall further continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy four.

CAP. LXX. *Not repealed by R. Laws*

An Act to continue an Act intituled *An Act to incorporate sundry persons by the name of the President, Directors and Company of the Saint Stephen's Bank, in the County of Charlotte.*
Passed 7th April 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, Act 6 W. 4, c. 32, continued. That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the President, Directors and Company of the Saint Stephen's Bank, in the County of Charlotte,* be and the same is hereby continued until the first day of May which will be in the year of our Lord one thousand eight hundred and seventy four.

CAP. LXXI. *Not repealed by R. Laws*

An Act further to increase the Capital Stock of the Saint John Water Company.
Passed 7th April 1852.

WHEREAS it has become necessary to increase the Capital Stock of the Saint John Water Company, to enable said Company to carry out their designs in relation to the carrying Water through all the Streets in the said City, by laying down pipes for that purpose; Preamble.

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

1. The shareholders of the Saint John Water Company shall be and are hereby authorized to increase the capital stock of the said Company to an amount not exceeding ten thousand pounds, which additional stock shall be divided into shares of five pounds each. Corporation authorized to increase their stock to £10,000.

2. The additional shares in the capital stock of the said Company shall be divided among the present shareholders in the said Company in the proportion of one additional share to every two shares held by such shareholders; and if any of the said shareholders shall neglect or refuse to accept such additional shares within thirty days after the passing of this Act, then such additional shares so refused or neglected to be taken up shall be open to public subscription, or may be disposed of by the Directors of the said Company in such manner as they may deem advisable. Additional shares to be divided among the present shareholders. If not accepted within thirty days to be then open for public subscription.

3. Twelve and one half per centum of the amount of each of such additional shares shall be paid to the Treasurer of the said Company within one year after the passing of this Act, and the residue of each of said additional shares shall be paid by instalments of twelve and one half per centum to the Treasurer of the said Company, at intervals of six months after the payment of the first instalment, until the whole amount of each of such additional shares shall be fully paid up. Times and proportions of payments for the additional shares.

4. In case default be made in payment of all or any of the instalments in the said additional shares, or any of them, it shall and may be lawful for the Directors of the said Company for the time being, within thirty days after any such default, forthwith to sell and dispose of any of the said additional shares on which such default may be made, at their discretion, to the best advantage, to any purchaser or purchasers of the same; and any instalment or instalments which previously to such default may have been paid on such additional shares, shall be forfeited to and become the property of the said Company. On default of payment shares may be sold.

5. The said additional stock of the said Company shall be expended and applied as the same is paid up, in laying down pipes and conduits throughout that part of the City of Saint John on the eastern part of the harbour of Saint John, in such Application of proceeds of shares.

Preference given to the holders of the new stock in the distribution of the profits.

such manner and to such extent as will furnish the inhabitants thereof with a sufficient supply of water.

6. In order to encourage subscription to the additional stock hereby created, the subscribers for such additional stock created under and by virtue of this Act, shall from time to time, out of the nett profits of the said Company, be entitled to receive a dividend of six per centum per annum upon such new stock respectively from the date of the payment of such stock, before any division of the profits of the said Company shall be applicable to the original stock created before the passing of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to increase the Capital Stock of the Saint John Water Company, and to provide a more efficient supply of Water in the City of Saint John*; but no dividend exceeding six per centum per annum shall be payable on such new stock until the proprietors of such original stock shall receive the like sum of six per centum per annum on such stock from the time of the passing of this Act; and when the nett profits of the said Company shall be more than sufficient to pay six per centum per annum on the original stock and the additional stock created by the said hereinbefore recited Act, and the further additional stock created by this Act, then any surplus of such profits shall be divided *pro rata* on all the stock of the said Company without distinction.

CAP. LXXII.

An Act in addition to and amendment of an Act intituled *An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company*. Passed 7th April 1852.

Preamble.

Private Act
14 V. c. 3.

WHEREAS by an Act of the General Assembly of this Province made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company*, reciting that "Whereas the construction of a line of Electric Telegraphic communication between the Bend of Petitcodiac in the County of Westmorland, and the Miramichi River, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such line by granting them an Act of Incorporation for that purpose;" it was enacted that certain persons therein named, and such other persons as should from time to time become proprietors of shares, should be incorporated by the name of *The Miramichi and Richibucto Electric Telegraph Company*: And whereas of the persons who had agreed to form the said Company residing in the Counties of Northumberland and Kent, many have declined to pay in any portion of their stock, whereby the present shareholders are confined to the County of Northumberland, who have proceeded under the said Act, and built that part of the said line leading from Chatham, in the County of Northumberland, to Richibucto, in the County of Kent, which line is now in efficient working order: And whereas in consequence of a line of Electric Telegraph from Richibucto to the Bend of Petitcodiac being already in operation, it is at present unnecessary that the said Company should extend their line to the Bend;

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

Certain persons, with such as shall become proprietors of shares, declared to compose the Company.

1. The said Company so incorporated shall consist of the following persons, viz:—John Mackie, William Muirhead, Robert Johnston, Junior, George Johnston, William J. Fraser, William A. Black, John M. Johnson, Solomon Samuel, Caleb M'Culley, James Caie, William Kelly, Alexander Loudoun, Robert Johnston, William M'Rae, Richard Hutchison, Allan A. Davidson, John Nicholson, William

Not approved by R. Lewis

William Wilkinson, John Cameron, George H. Russel, Hugh Bain, and Peter Mitchell, who, together with such other persons as are or shall from time to time become proprietors of shares in said Corporation, be and they are hereby declared to compose the same, instead of the persons named in the aforesaid Act.

2. The capital stock of the said Corporation may consist of sixty shares of ten pounds each, or be extended to two hundred and fifty shares of ten pounds each, as the said Company may find necessary; and it shall not hereafter be necessary that any of the meetings of the said Company shall be holden in the County of Kent, nor that the President or any of the Directors or officers should reside in the said County of Kent, nor that the officers should consist of a President and six Directors, but that from and after the passing of this Act the meetings may be held and the officers reside within such limits as the Company may determine and fix by bye law, and that the officers shall consist of a President and four Directors.

Capital to be £600, divided into 60 shares of £10 each, with power to extend it to £2,500.

3. It shall and may be lawful for the said Company to extend a single or double line of Electric Telegraph from Chatham, in the said County of Northumberland, to the Counties of Gloucester and Restigouche, and through the same, and to build branch lines therefrom, subject to the same restrictions and conditions, and with the same privileges, rights, remedies and advantages as prescribed by the said Act of Incorporation; and the said Act and every part thereof not hereby altered or repealed, shall apply to the said extended lines, and to the said Company, and to persons interfering therewith, as if the same had been originally included therein; and the said Act shall remain in full force except so far as the same is inconsistent with this Act; and all proceedings of the said Company had thereunder, shall be as valid and effective as if this Act had not been made.

Authority to erect a single or double line of Electric Telegraph from Chatham to Gloucester and Restigouche.

Not Repealed by R. Laws CAP. LXXIII.
An Act to extend the Act to incorporate the Saint John Suspension Bridge Company.

Passed 7th April 1852.

‘ **W**HEREAS an Act was passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Saint John Suspension Bridge Company*, by which said Act certain persons were incorporated for the purpose of constructing a Suspension Bridge of iron wire across the Falls of the River Saint John, at Split Rock, near the City of Saint John: And whereas by the said Act it is provided, that if the said Company should not within three years from and after the passing of such Act complete the said Bridge, so as to make the same passable for horses and carriages, that then the powers and authorities vested in the said Company should cease and determine: And whereas the said period of three years will expire on the fourteenth day of April next, and the said Company have already in part erected the said Bridge, and have provided the materials for completing the same, but have been prevented doing so by the unusual severity of the weather, and may not be able to do so before the said fourteenth day of April next;’

Preamble.

12 V. c. 69.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Saint John Suspension Bridge Company shall have time granted them for the completion of the Suspension Bridge now in course of erection by them, until the first day of April in the year one thousand eight hundred and fifty three, without incurring any forfeiture or disability whatsoever, and with the full right to all grants, powers and privileges heretofore conferred or allowed to them in the same manner as if the said Suspension Bridge had been completed within the time specified in the Act of Incorporation referred to in the Preamble to this Act.

Time for completing the Bridge extended to 1st May 1853.

CAP

CAP. LXXIV.

An Act to continue an Act to incorporate the Saint Stephen Upper Mills Boom Company.
Passed 7th April 1852.

Act 12 V. c. 67,
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, present Majesty, intituled *An Act to incorporate the Saint Stephen Upper Mills Boom Company*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty seven.

CAP. LXXV. *Not reprinted by R. Laws*

An Act to incorporate the Saint Andrews Steam Ferry Boat Company.
Passed 7th April 1852.

*See R. L. 1852, page 50.
17th June 1852.*

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

Company incorporated by the name of *The St. Andrews Steam Ferry Boat Company.*

1. Henry Frye, Harris H. Hatch, William Whitlock, James W. Street, Richard M. Andrews, S. T. Odell, John Irvine, Honorable Harris Hatch, Frederick A. Babcock, Samuel T. Gove, Edwin Pheasant, John J. Robinson, R. N., Wellington Hatch, George D. Street, Edward Wilson, George Frederick Campbell, and Thomas Berry, their associates, successors and assigns, are hereby declared to be a Corporate body, by the name of *The Saint Andrews Steam Ferry Boat Company*, with all the general powers and privileges made incident to Corporations by Act of Assembly in this Province, for the purpose of providing and running Steam Ferry Boats between Saint Andrews in this Province and Robinstown in the State of Maine.

Capital to be £1,500, divided into 300 shares of £5 each.

2. The capital of the Company shall be fifteen hundred pounds, divided into three hundred shares of five pounds each, with power to increase the said capital to the sum of three thousand pounds; and the whole and the parts thereof shall be payable by such instalments and at such times as the Directors of the Company shall appoint.

Time and place of meetings, also number and duties of Directors and officers, and manner of election to be established by bye laws.

3. The time, place and notice of holding annual and special meetings of the Corporation, as also the number and duties of Directors and officers and servants, and the manner of election or appointment, shall be established by bye laws of the Company made at a general meeting of the stockholders.

CAP. LXXVI.

An Act to incorporate the Magaguadavic Railway Company.
Passed 7th April 1852.

Not reprinted by R. Laws.

Preamble.

‘WHEREAS the construction of a Rail Road for the transportation of ‘lumber from the Upper Mill Town, on the Magaguadavic River, to ‘the Town of Saint George, and thence to L’Etang Harbour, and also for the ‘conveyance of passengers, would materially benefit the inhabitants of that ‘section of the Province, and would tend in a great degree towards the improve- ‘ment of the country, it is deemed advisable to grant encouragement to such ‘enterprising persons as may be desirous and willing, at their own cost and ‘charges, to make and maintain a Railway in the direction aforesaid, by granting ‘them an Act of Incorporation;’

Company incorporated by the name of *The Magaguadavic Railway Company.*

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

1. That Daniel Gillmor, Benjamin Randall, F. O. J. Smith, the Honorable W. F. W. Owen, the Honorable Harris Hatch, Patrick Clinch, Moore R. Fletcher, Abraham

Abraham J. Wetmore, Robert Thomson, Isaac Knight, Dillon P. Myers, John G. Myers, William Porter, Stuart Seelye, John French, Z. A. Paine, Robert Mowe, Junior, Daniel J. Odell, John M'Coull, Gideon Knight, Justus Wetmore, John J. Robinson, Thomas Jones, Richard Magee, Philo Seelye, John E. Messenett, Reuben Brockway, Junior, Kilburn G. Robinson, Alfred Gillmor, Arthur Hill Gillmor, Hugh Matheson, Hugh M'Callum, Henry Frye, Edward Seelye, George V. Knight, James Vernon, Barnard Buckman, John Wheaton, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby declared, ordained and constituted to be a Corporation, Body Politic and Corporate, by the name of *The Magaguadavic Railway Company*, and shall by that name have perpetual succession and a common Seal, and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall also have power and authority to purchase, hold and enjoy lands, tenements and hereditaments for them and their successors and assigns for making the said Railway, and for settlers on the line of the said Railway, and generally for the purposes of carrying the provisions of this Act into effect; and also that they, the said Company, shall from time to time and at all times have full power and authority to constitute, make, ordain and establish such bye laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said Company, provided that such bye laws, regulations and ordinances of the said Company, provided that such bye laws, regulations and ordinances as may be deemed necessary, be not contradictory or repugnant to the laws of this Province; and provided also, that no bye laws, regulations and ordinances made under and by virtue of the power and authority of this Act, shall be of any force or effect until one calendar month after a true copy of such bye laws, regulations and ordinances, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant Governor or Administrator of the Government in this Province for the time being, for his approval or disapproval, unless the Lieutenant Governor or Administrator of the Government shall before such period signify his approbation thereof.

Power to sue and be sued;

hold lands;

and make bye laws.

2. The capital stock of the Company hereby established shall be fifty thousand pounds, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into five thousand shares of ten pounds each, which shares shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors or assigns, in proportion to their respective shares and interest, which said shares shall be of the value of ten pounds each, five per cent. of which shall be paid at such time and place as the Directors of the said Company shall appoint, and the remaining ninety five per cent. in such part and proportions and at such time and times as the said Directors shall determine, which amount shall not at any one period be more than five per cent. on the amount of capital or stock belonging to any individual, and one month at the least shall be the interval between successive calls, and twenty days previous notice of payment being required for any one call shall be given in one of the weekly papers published in the County of Charlotte; and on demand of the holder of any share the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in the Schedule A to this Act annexed, or to the like effect; and every of the said shares shall be deemed personal estate and transferable as such, and shall not be deemed or taken to be of the nature of real property, and every such share shall entitle the holder thereof to a proportionable part

Capital to be £50,000, divided into 5000 shares of £10 each.

Periods and amounts of payments.

Shares to be personal estate, and transferable.

part of the profits and dividends of the said Company ; provided also, that the money so to be raised as aforesaid, shall be laid out in the making, completing and maintaining the said Railway and other the purposes therewith connected mentioned in this Act, and in payment of the legal and other expenses incurred in and about the incorporating and establishing the said Company, and to no other use or purpose whatsoever.

On subscription of £10,000. and deposit of 5 per cent., Company authorized to construct and maintain their Railway.

3. So soon as ten thousand pounds of the capital stock of the said Company shall have been subscribed, and the deposit of five per cent. shall have been actually paid into some Bank in this Province, to be named by the Directors of the said Company, and not before, it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers and workmen, to make, construct and fully complete, alter and keep in repair, a Railway with one or more sets of rails or tracks, with all suitable bridges, archways, turnouts, culverts, drains and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, dikes, buildings, depots and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam engines and carriages, wagons, floats and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers and merchandise thereon, and for other purposes of this Act, and may hold and possess the land over which the said Railway is to pass, and such adjoining lands as may be required ; which Railway is to run from the Upper Mill Town, on the Magaguadavic River, to the Town of Saint George, and thence to L'Etang Harbour ; the said Railway to be made and constructed on such route as the Directors of the said Company, in the exercise of their best judgment and discretion, shall deem most favourable and best calculated to promote the public convenience ; provided always, that a map or plan of the route determined upon shall be deposited in the office of the Secretary of the Province.

Plan of the route to be deposited in the Provincial Secretary's Office.

Company empowered to make branch Railways.

4. The said Company shall and may (if they deem it expedient) make Branch Railways to every or any part of the County of Charlotte, and for that purpose shall exercise and possess all the powers, privileges and authorities necessary for the management of the same, in as full and ample a manner as they are hereby authorized to do with respect to the said Railway.

Interest on called up capital may be paid till the Railway is completed.

5. It shall be lawful for the Directors of the said Company, until the said Railway shall be completed and open to the public, to pay interest at any rate not exceeding six pounds per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same shall be paid ; such interest to accrue and be paid at such times and places as the said Directors shall appoint for that purpose ; provided always, that no interest shall accrue to the proprietor of any share upon which any call shall be in arrear in respect of such shares, or any other shares to be holden by the same proprietor, or during the period while such call shall remain unpaid.

Evidence of property in a share.

6. The certificate of the proprietorship of any share in the said Company, shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified ; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

No share to be transferred while in arrear.

7. No shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls, for the time being, due on every share held by him or her.

8. The said Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts; and the said Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to the execution of trusts in respect of shares.

9. The several persons who have or shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and with respect to the provisions in this Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the personal representatives of such shareholder.

Subscribers to the stock, and their representatives, to pay as appointed by the Directors.

10. It shall be lawful for the Directors of the said Company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by themselves, as they shall deem necessary; provided that twenty days notice at the least be given of each call as aforesaid, and that no call exceed the prescribed amount aforesaid, and that successive calls be not made at less than the prescribed interval aforesaid; and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the said Company or the Directors thereof.

Power to make calls upon the shareholders for money, and compel payment.

11. If before or on the day appointed for payment any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, from the day appointed for the payment thereof to the time of the actual payment.

Interest to be paid on over-due instalments.

12. It shall be lawful for the said Company (if they think fit) to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the said Company may agree upon.

Power to receive advances from shareholders on interest.

13. If at the time appointed by the said Company or the Directors thereof for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

Power to sue defaulting shareholders.

14. In any action or suit to be brought by the said Company against any shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, (stating the number of shares,) and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the said Company by virtue of this Act.

Declaration in suits to recover money due on calls.

Proof of call, and of defendant having been a stockholder at the time, sufficient.

15. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

Register of shareholders to be prima facie evidence.

16. The production of the register of shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

Shares in arrear may be declared forfeited.

17. If any shareholder fail to pay any call payable by him, together with the interest (if any) that shall have accrued thereon, the Directors of the said Company, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which such call was payable, forfeited, and that whether the said Company have sued for the amount of such call or not.

Notice to be given of intention to declare shares forfeited.

18. Before declaring any share forfeited, the Directors of the said Company shall cause notice of such intention to be left or transmitted by post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share, and if the holder of any such share be beyond the limits of this Province, or if his usual or last place of abode be not known to the said Directors, by reason of its being imperfectly described in the shareholders' address book, or otherwise, or if the interest in any share shall be known by the said Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the said share or shares may for the time being belong, shall not be known to the said Directors, the said Directors shall give public notice of such intention in one or more of the weekly newspapers published in the said County of Charlotte; and the several notices aforesaid shall be given thirty days at least before the said Directors shall make such declaration of forfeiture.

Forfeiture of shares to be confirmed at a general meeting.

19. The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share until such declaration shall have been confirmed at the next general meeting of the said Company to be held after such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the said Company to confirm such forfeiture at any such meeting, or at any subsequent general meeting to direct the share or shares so forfeited to be sold or otherwise disposed of.

Forfeited shares may be sold.

20. After such confirmation as aforesaid it shall be lawful for the said Directors to sell the forfeited share by public auction, and if there be more than one forfeited share, then either separately or together, as to them shall seem fit, and any shareholder may purchase any forfeited share so sold as aforesaid.

Evidence of proprietorship in purchased shares.

21. An affidavit by some credible person not interested in the matter, sworn before any Justice or before any Commissioner for taking affidavits in the Supreme Court, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such affidavit, and the receipt of the Treasurer of the said Company for the price of such share, shall constitute a good title

title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

22. The said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited share be more than sufficient to pay all arrears of calls, and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture, and sale thereof, with the proof thereof and certificate of proprietorship to the purchaser, the surplus shall on demand be paid to the defaulter; provided always, that such defaulter shall in all cases be liable to the said Company for any deficiency arising by means of such default, and recoverable in any Court in this Province having competent jurisdiction for this purpose.

No more shares to be sold than are sufficient to pay off arrears and expenses.

23. If payment of such arrears of calls and interest and expenses be made before any share or shares so forfeited and vested in the said Company shall have been sold by public auction as aforesaid, such share or shares shall revert to the party or parties to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

On payment of arrears before sale, share to revert to the party.

24. The said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act; and for this purpose the said Company, their successors, deputies, agents and assistants, shall have the right to enter and go into and upon the lands and grounds of all and every description lying in the said route and general direction as aforesaid, for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing and convenient operation of the said Railway, and shall also have the right to take, remove and use for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber or other material on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which such survey, examinations or other arrangements may be made, or through which the said Railway may be explored, laid out, worked, made and constructed, or on which materials and other things shall be laid for the purposes of the said Railway; provided always, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; and where the said Railway shall pass through any wood lands or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down or from their natural falling might obstruct or impair said Railway; provided always, that in all cases the said Company shall pay for such lands or estate so taken and used (in case the owner thereof demand it) such price as the said Company and the owner or respective owners thereof may mutually agree on; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said land may be situate

Company invested with all necessary powers, &c.

Power to enter on lands for survey;

Take lands,

and materials.

Extent limited.

Company to pay for lands taken.

In case of disagreement a Jury to be summoned to assess the damages.

situate for a Warrant, which Warrant shall be in the form set forth in the Schedule B to this Act annexed, and shall be directed to the High Sheriff, his deputy, or any constable within the said County, commanding such High Sheriff, deputy or constable to summon a jury of five disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said Railway; and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such jury; provided nevertheless, that the said jury in assessing the said damages are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the Railway, in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages; and in all cases where the jury shall assess damages to be paid to the owner or owners of any land over which the said Railway may be laid out, the Justices who issued the Warrant shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessment into the hands of the persons for whom such damages may be assessed, within twenty one days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which shall be agreeably to a scale in Schedule C of this Act; and in default of such payment it shall and may be lawful for the said Justices, or either of them, (in case of the absence or death of the other), at the instance of the said party or parties to whom such damages are payable, by Warrant under the hands and seals of the said Justices, or one of them, (in case aforesaid,) to levy the same with costs, by distress and sale of the goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of the Province.

Assessment to be laid before the next meeting of the Company, and amount paid.

On default may be levied with costs.

Agreements with and discharges by Corporations and Trustees for lands taken to be valid.

25. When the said Company shall take any land or estate of any Body Corporate, aggregate or sole, guardians, committees, executors or administrators, or other trustees whatsoever, held for or on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme covert, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements and sales of the said corporations, guardians, committees, executors, administrators or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor, and it shall be lawful for them respectively to agree and settle with the said Company for damages (if any) by reason of taking such land or estate aforesaid, and in case of disagreement, such damage to be ascertained and settled as provided by the twenty third section of this Act.

Power to enter on land and take materials for the construction and repairs of the Railway.

26. The said Company, their superintendents, engineers, agents and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand and earth or material necessary for the construction of the said Railway; and in case of any slip happening or being apprehended to any cutting, embankment or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose;

purpose; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the twenty third section of this Act.

27. The said Company, at their own proper costs and charges, shall erect and maintain on each side of the said Railway sufficient fences wherever the same may be necessary, in order to protect the public or wherever any cleared or cultivated land occurs on the line of the said Railway, and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer and Terminer or General Sessions for the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged, and such fine shall be expended for the erection or repair of such fences and for compensation of individual damage, as the case may be; and it shall and may be lawful for the Justices of the said Court of Oyer and Terminer or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

Fences to be maintained on each side of the Railway.

28. Whenever the said Railway or any of its branches cross or shall hereafter cross any highways, turnpike road, statute labour or private road for carriages of any description within this Province, the said Company shall make and maintain good and sufficient gates across each end of such highway, turnpike or other road, which gates shall be constantly closed, except during the time when horses, cattle, carts or carriages passing along such turnpike or other road shall have to cross such Railway, and such gates shall be of such dimensions and so constructed as when closed across the ends of such turnpike or other road to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway; provided always, that it shall be lawful (in case it shall be more conducive for the public safety) for the said Company, at their own expense, to carry such turnpike or other road over or under such Railway, by means of a bridge or archway, in lieu of crossing the same on the level.

Gates to be maintained across Highways.

Proviso.

29. The immediate government and management of the affairs of the said Company shall be vested in seven Directors, who shall be proprietors of at least ten shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their number as chairman in his stead; the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have the casting vote.

Company affairs to be managed by a Board of seven Directors.

Quorum.

Votes.

30. Every shareholder shall be entitled to one vote for each share so held by him, and all shareholders may vote by proxy if they shall see fit, provided such proxy be a shareholder, and do produce from his constituent whom he shall represent, or for whom he shall vote, an appointment in the form set forth in the Schedule D to this Act annexed, or to the like effect, and whatever question of election of public officers, or other matters or things, shall be proposed, discussed or considered in any public meeting of the said Company, under the authority of this

Shareholders entitled to one vote for each share of stock owned by them, and may vote by proxy.

this Act, shall be determined and decided by the majority of votes and proxies then and there present; provided always, that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than one hundred shares.

First meeting of the shareholders to be held when £5000 are subscribed.

31. Whenever five thousand pounds of the said capital stock shall have been subscribed, the first general meeting of the shareholders shall take place at Saint George, to be called by notice in one of the weekly papers printed in the County of Charlotte twenty eight days previous to such meeting, in order to organize the said Company, and to choose the Directors thereof, who shall continue in office until re-elected or others chosen or appointed in their stead at any meeting to be held under the authority of this Act; the shareholders present or appearing by proxy shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill up any such vacancy shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

Directors to appoint officers and engineers.

Shareholders may make and amend bye laws.

To be published.

Time and place of annual meeting.

Directors to be appointed.

Power to call extraordinary meetings.

32. The said Directors shall have the power of nominating and appointing all and every the officers and engineers and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject to the bye laws, rules and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new rules, bye laws and regulations for the good government of the said Company, and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen and other persons employed by the said Company, as to the major part of the said shareholders shall seem meet; which said rules, bye laws and regulations, being put into writing under the common seal of the said Company, shall be published in one of the weekly papers printed in the County of Charlotte, shall be binding upon and observed by all parties, and shall be sufficient in any Court of law to justify all persons who shall act under the same.

33. The said shareholders shall meet annually at the Town of Saint George on the first Tuesday in June in each year, at which meeting the shareholders present, personally or by proxy, may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the places of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by the Directors of the said Company for the time being.

34. It shall be lawful for any number of shareholders holding in the aggregate five hundred shares, by writing under their hands, at any time to require the said Directors to call an extraordinary meeting of the said Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the said Company, or given to at least three Directors or left at their last or usual place of abode, and forthwith upon the receipt of such requisition, the said Directors shall convene a meeting of the shareholders; and if for thirty days after such notice the Directors fail to call such meeting, the shareholders aforesaid, qualified as aforesaid, may call such meeting by giving thirty days public notice thereof in one of the weekly newspapers published in the County of Charlotte hereinbefore in this Act mentioned.

35. Thirty days public notice at the least of all meetings, whether general or extraordinary, shall be given by advertisement in one of the weekly newspapers published in the County of Charlotte hereinbefore in this Act mentioned, which shall specify the place, the day and the hour of meeting, and every notice of an extraordinary meeting shall specify the purpose for which the meeting is called.

Thirty days notice by advertisement to be given of all meetings.

36. A toll is hereby granted for the sole benefit of the said Company on all passengers and property of all descriptions which may be conveyed or transported upon such Railway, or any of its branches connected therewith as aforesaid, at such rates per mile as may be established from time to time by the Directors of the said Company; the transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said Railway and its branches, shall be in conformity to such rules, regulations and provisions as the said Directors shall from time to time prescribe and direct, and such Railway and its branches may be used by any person or persons who may comply with such rules and regulations; provided always, that if after the completing the said Railway, the rates, tolls or dues that may be established by the said Company under and by virtue of this Act shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Company a greater rate of clear annual profits, divisible upon the subscribed and paid up capital stock of the said Company, than fifteen pounds annually for every hundred pounds of such capital; and in order that the true state of the said Company shall be known, it shall be the duty of the President and Directors thereof to file in the office of the Secretary of the Province, for the information of the Legislature, at the expiration of seven years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the moneys by them disbursed and laid out in making and completing the said Railway in manner aforesaid, and also of the amount of tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said seven years, the said several accounts and statements to be signed by the President and Treasurer of the said Company, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Company once in each and every year after the expiration of the said seven years, to file in the said office of the Secretary of the Province, for the information of the Legislature, a like statement and account verified on oath by the President and Treasurer as aforesaid.

Toll granted.

The rates may be reduced by the Legislature if found excessive.

Statement of expenses and receipts to be filed in Provincial Secretary's Office.

37. Whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, (if it shall think fit,) subject to the provisions hereinafter contained, at any time after the expiration of the term of twenty one years, to purchase the said Railway, with all its hereditaments, stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the then next preceding years; provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds in the hundred it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall

Right of purchasing the Railway and its appurtenances reserved to Her Majesty's Government.

be

be paid to the said Company ; provided also, that such option of purchase shall not be exercised except with the consent of the Company while any such revised scale of tolls, fares and charges shall be in force.

Mails, guards, &c.
to be forwarded on
the Railway under
the direction of the
Postmaster
General.

38. It shall be lawful for the Postmaster General or his Chief Deputy in this Province, by notice in writing under his hand or under the hand of his Deputy as aforesaid, delivered to the said Company, to require that the Mails or Post Letter Bags shall from and after the day to be named in such notice, (being not less than twenty eight days from the delivery thereof,) be conveyed and forwarded by the said Company on their Railway, either by the ordinary trains of carriages, or by special trains as need may be, at such hours or times in the day or night as the Postmaster General or his said Deputy shall direct, together with the guards appointed and employed by the Postmaster General or his said Deputy in charge thereof, and any other officers of the Post Office ; and thereupon the said Company shall from and after the day to be named in such notice, at their own costs, provide sufficient carriages and engines on the said Railway for the conveyance of such Mails and Post Letter Bags to the satisfaction of the Postmaster General or his said Deputy, and receive and take up, carry and convey, by ordinary or special trains of carriages, or otherwise, as need may be, all such Mails or Post Letter Bags as shall for that purpose be tendered to them or any of their officers, servants or agents, by any officer of the Post Office, and also receive, take up, carry and convey in and upon the carriage or carriages carrying such Mail or Post Letter Bags, the guards in charge thereof, and any other officer of the Post Office, and shall receive, take up, deliver and leave such Mails or Post Letter Bags, guards and officers, at such places in the line of such Railway, on such days and such hours or times in the day or night, and subject to all such reasonable regulations and restrictions as to speed of travelling, places, times and duration of stoppages, and times of arrival, as the Postmaster General or his said Deputy shall in that behalf from time to time order or direct ; provided always, that the rate of speed required shall in no case exceed the maximum rate of speed prescribed by the Directors of the said Company for the conveyance of passengers by their first class train, nor shall the Company be responsible for the safe custody or delivery of any Mail Bags so sent.

Compensation to
be fixed by agree-
ment or arbitration.

39. The said Company shall be entitled to such reasonable remuneration, to be paid by the Postmaster General or his Deputy for the conveyance of such Mails, Post Letter Bags, Mail guards, and other officers of the Post Office, in manner required by such Postmaster General, his Deputy, or by such other officer of the Post Office as he shall in that behalf nominate as aforesaid, as shall (either prior to or after the commencement of such service) be fixed and agreed on between the Postmaster General or his Deputy and the said Company, or in case of difference of opinion between them, the same shall be referred to the award of two persons, one to be named by the Postmaster General or his Deputy, and the other by the said Company, and if such two persons cannot agree on the amount of such remuneration or compensation, then to the umpirage of some third person, to be appointed by such two first named persons previously to their entering upon the inquiry, and the said award or umpirage, as the case may be, shall be binding and conclusive on the said parties and their respective successors and assigns.

Nomination of
arbitrators and
umpires.

40. In all references to be made under the authority of this Act, the Postmaster General, his Deputy, or the said Company, as the case may be, shall nominate his or their arbitrators within fourteen days after notice from the other party, or in default, it shall be lawful for the arbitrator appointed by the party giving notice
to

to name the other arbitrator, and such arbitrators shall proceed forthwith in the reference and make their award therein within twenty eight days after their appointment, or otherwise the matter shall be left to be determined by the umpire, and if such umpire shall refuse or neglect to proceed and make his award for the space of twenty eight days after the matter shall have been referred to him, then a new umpire shall be appointed by the two first named arbitrators, who shall in like manner proceed and make his award within twenty eight days, or in default be superseded, and so *toties quoties*.

41. The Directors of the said Company shall be bound to provide such conveyance for the officers or soldiers of Her Majesty's forces of the line, ordnance corps, marines, militia or police forces, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose, and with the whole resources of the Company.

Her Majesty's
Forces of the Line,
&c. to be conveyed
when required.

42. The Directors of the said Company shall be and they are hereby authorized from time to time to alter or vary the tolls to be taken upon the said Railway or its branches as they shall think fit, provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers, and of all goods, chattels or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same proportion of the line of Railway under the same circumstances, and no reduction or advance in any such toll shall be made, either directly or indirectly, in favour of or against any particular company or persons travelling upon or using the Railway.

Rate of tolls may
be altered, but not
so as to prejudice
particular parties.

43. The said Company, on being required so to do by Her Majesty's Government, shall be bound to allow any person or persons duly authorized by Her Majesty's Government, with servants and workmen, at all reasonable times to enter into or upon the lands of the said Company, and to establish and lay down upon such lands adjoining the line of the said Railway, or any of its branches, a line of Electrical Telegraph for Her Majesty Service, and to give to him and them every reasonable facility for laying down the same, for the purpose of receiving and sending messages on Her Majesty's Service, subject to such reasonable remuneration to the Company as may be agreed upon between the Company and Her Majesty's Government; provided always, that subject to a prior right of use thereof for the purposes of Her Majesty, such Telegraph may be used by the Company for the purposes of the Railway, upon such terms as may be agreed upon between the parties, or in the event of differences, as may be settled by arbitration.

Obligation to permit
a line of Electrical
Telegraph to be laid
down for and by Her
Majesty's Government.

44. The Directors of the said Company shall make yearly dividends of tolls, income and profits arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well of the repairs of the works belonging to them as for the salaries and allowances of the several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said Directors, consistent with the bye laws, rules and regulations of the said Company.

Yearly dividend
of the profits to be
made.

45. If any money be payable from the said Company to any shareholder or other person being a minor, idiot or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such lunatic shall be a sufficient discharge to the said Company for the same.

Receipts of guardians
of minors and committees
of lunatics to be
good discharges.

46. Before apportioning the profits to be divided among the shareholders the said Directors may, if they think fit, set aside thereout such sum as they may think

A portion of the
profits may be
reserved before de-
claring dividends.

think proper to meet contingencies, or for enlarging, repairing and improving the works connected with the said Railway or its branches, or any part of the said undertaking, and may divide the balance only among the shareholders.

No dividends to be paid on shares in arrear.

47. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

Joint stock to be alone responsible for the Company debts.

48. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the said Company, and no person or persons who shall or may have dealings with the said Company shall on any pretence whatsoever have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company; provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company beyond the extent of his share in the capital of the said Company not then paid out.

Legislature may inquire into the doings of the Corporation.

49. The Legislature of this Province shall at all times hereafter have the right to inquire into the doings of the said Corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by the said Corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said Corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties herein set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

Accounts to be laid before the Legislature.

50. The said Company shall annually submit to the Legislature within the first fifteen days after the opening of each Session, a detailed and particular account, attested upon oath of the Treasurer and two Directors, of the moneys received and expended by the Company under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said road.

Returns of traffic to be rendered.

51. The Lieutenant Governor in Council may order and direct the said Company, and thereupon it shall be their duty to make up and deliver to the Provincial Secretary, Returns according to a form to be from time to time prescribed by the Lieutenant Governor in Council, of the aggregate traffic in passengers according to their several classes, and of the aggregate traffic in cattle and goods respectively on the said Railway, as well as of all accidents which have occurred thereon attended with personal injury, and also a table of all tolls, rates and charges from time to time levied on each class of passengers and on cattle and goods conveyed on the said Railway.

Time for bringing actions for any thing done under this Act limited.

52. No suit or action at law or equity shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed or cause of action accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by the authority of this Act.

Punishment for malicious acts, destroying works, &c.

53. If any person or persons shall wilfully and maliciously and to the prejudice of the undertaking, break, injure or destroy any of the works to be made by virtue of this Act, every such person or persons shall be judged guilty of felony, and every person so offending and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony in an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intituled *An Act for improving the administration of Justice in Criminal Cases.*

54. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted by this Act, shall and they are hereby required to make and complete the said Railway within five years from the passing of this Act; and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandise thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

Railway to be completed within five years or Act to be void.

SCHEDULE A.

FORM OF CERTIFICATE OF SHARE.

Form of Certificate of Share.

The Magaguadavic Railway Company.

Number

This is to certify, that A. B. of is the proprietor of the Share (or Shares) Number of the Magaguadavic Railway Company, subject to the Regulations of the said Company.—Given under the Common Seal of the said Company the day of in the year of our Lord one thousand eight hundred and

SCHEDULE B.

FORM OF WARRANT TO SUMMON JURY.

Warrant to summon Jury.

To the Sheriff, Deputy Sheriff, or any Constable of the County of

You are hereby commanded to summon a Jury of five disinterested Freeholders of your County, of no way akin to the party aggrieved, to appear at in the said County, on the day of at of the clock in the noon, and then and there to assess the damages (if any) which A. B. alleges he has sustained by reason of the works and operations of the Magaguadavic Railway Company through and upon his land.—Given under our hands and seals the day of A. D. one thousand eight hundred and

SCHEDULE C.

Scale of Fees in proceedings before Justices upon assessing damages under the foregoing Act.

Scale of Fees.

Warrant to summon Jury,	£0	2	6
For every Subpcena,	0	0	6
For every copy thereof,	0	0	3
Every adjournment made at the instance of either party,	0	1	0
Trial and judgment,	0	2	6
Swearing each Witness and Constable,	0	0	3
Swearing Jury,	0	1	0
Execution or Distress Warrant,	0	1	6

To the Sheriff or Constable.

Summoning Jury,	0	5	0
Attendance on inquiry,	0	1	0
For all other services same as fixed by law in civil cases before Justices of the Peace.			

To Witnesses.

Attendance and travel same as in civil cases before Justices of the Peace.

To Jurors.

Each Juror sworn on inquiry,	0	2	6
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SCHEDULE

SCHEDULE D.

FORM OF PROXY.

Form of Proxy.

I, A. B. of , do hereby nominate, constitute and appoint C. D. of to be my proxy, in my name and in my absence to vote or give any assent to or dissent from any business, matter or thing relative to the Magaguadavic Railway Company, in such manner as he the said C. D. shall think proper and for the benefit of the said Company.—In witness whereof, I the said A. B. have hereunto set my hand (or if a Corporation, say the Common Seal of the Corporation) the day of A. D. one thousand eight hundred and .

A. B.

Not repealed by R. Law

CAP. LXXVII.

An Act to incorporate the Saint Stephen Middle Boom Company.

Passed 7th April 1852.

Preamble.

‘ WHEREAS the erection and maintenance of Booms between the Upper Mills and Milltown, in the Parish of Saint Stephen, in the County of Charlotte, on the Saint Croix River, have been of great benefit to persons engaged in the lumber business by enabling them to secure timber, masts, logs and other lumber floating down the said River, at a moderate expense: And whereas it is deemed expedient to incorporate a Company for the purpose of managing said Booms;’

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

The Saint Stephen Middle Boom Company incorporated, with powers incident to a Corporation.

1. William Todd, Japhet H. M’Allister, William E. M’Allister, Joseph E. Eaton, Henry F. Eaton, John M’Adam, George A. Boardman, Daniel Hill, Junior, and Nathaniel Lamb, their associates, successors and assigns, being Mill and log owners on said River, in said Parish, below the said Upper Mills, are hereby declared to be a Body Corporate by the name of *The Saint Stephen Middle Boom Company*, and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining Booms, Piers and other works connected therewith, between the Upper Mills and Milltown, in the Parish of Saint Stephen, for the more convenient collecting, picking up, securing and rafting timber, logs, masts or other lumber intended to be manufactured below the said Upper Mills, and for carrying on and managing the same; provided always, that the real and personal estate which the said Corporation may at any time hold shall not exceed the sum of one thousand pounds.

Passage of rafts and boats to be provided for.

2. The Booms shall be so constructed as to admit the passage of rafts and boats, and to preserve the navigation of the River.

Act not to authorize the Company to go on private lands without agreement.

3. Nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Corporation, or any of their agents or servants, to enter in and upon the lands or tenements of any person whomsoever, unless the consent of the owner or owners, lessee or lessees thereof, be first had and obtained in writing.

Not repealed by R. Law

CAP. LXXVIII.

An Act to incorporate the New Brunswick Mastic Company.

Passed 7th April 1852.

Preamble.

‘ WHEREAS it is desirable to facilitate and encourage the manufacture of mastic pavement, hydraulic concrete, and rock paint, from impure bitumen,

‘ bitumen, bituminous shales, sandstones, and other bituminous rocks; and for
 ‘ procuring the requisite capital it is desirable to incorporate into a Body Politic
 ‘ and Corporate persons willing to advance funds for such undertaking;’

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

1. The Honorable Amos Edwin Botsford, Abraham Gesner, John Steadman,
 James Steadman, Christopher Milner, Stephen Binney, their associates, succes-
 sors and assigns, shall be and they are hereby erected into a Body Politic and
 Corporate, by the name of *The New Brunswick Mastic Company*, and by that
 name shall have a Common Seal, sue and be sued, plead and be impleaded,
 answer and be answered unto, defend and be defended in all Courts and places
 whatever; and shall have power and authority to purchase, hold and enjoy lands,
 tenements and hereditaments, for them and their successors and assigns, and all
 other powers and privileges now incident to a Corporation by Act of Assembly
 of this Province, for the purpose of quarrying, manufacturing and trading in
 impure bitumen, bituminous shales, sandstones, and other bituminous rocks, con-
 veying the same to market, opening and working mines, and other business
 connected therewith; and they the said Company, or a majority of them, shall
 from time to time and at all times have full power and authority to constitute,
 ordain, make and establish such bye laws and ordinances as may be deemed
 necessary for the good rule and government of the said Corporation, provided
 that such bye laws and ordinances be not contradictory or repugnant to the laws
 and statutes of this Province and those in force within the same.

The New Brun-
 swick Mastic Com-
 pany incorporated.

Common Seal.

Suits.

Property.

Object.

2. The capital stock of the said Corporation shall be ten thousand pounds,
 with liberty to increase the same to the sum of thirty thousand pounds, to be
 divided into shares of twenty five pounds each, to be paid in at such times and
 in such instalments as the business of the said Company shall require; and every
 person who shall be a holder of one or more shares shall be entitled to vote, either
 in person or by proxy, having one vote for each share as aforesaid; and it shall
 be lawful for said Corporation to grant Certificates of full stock, in whole or
 part payment, for the consideration of lands, quarries, buildings, wharfs, machi-
 nery, mining rights or privileges, in place of money subscription to said stock, at
 such valuation as a majority of all the subscribers shall fix, said subscription to
 become void if satisfactory titles or conveyances to the Corporation be not made
 at such a period as the said Corporation may by any bye laws or vote direct after
 its organization.

Capital stock to be
 £10,000 with power
 to increase to
 £30,000.

Votes.

Certificates of stock.

3. The first meeting of the said Corporation shall be held at Dorchester, in the
 County of Westmorland, and shall be called by the Honorable Amos Edwin
 Botsford, or in case of his death, neglect or refusal, by any two of the said Com-
 pany, by giving notice in one or more papers printed in the City of Saint John,
 in this Province, at least thirty days previous to such meeting, in order to organize
 the said Company, and for the purpose of establishing bye laws, choosing Direc-
 tors, and such other officers as may be necessary; which Directors and officers so
 chosen shall continue in office until the first annual meeting, or until re-election,
 or others are chosen in their stead; and the members of the said Company, or
 shareholders present or appearing by proxy, shall organize said Company, estab-
 lish bye laws, and choose Directors of the said Company, by a majority of votes.

First meeting of the
 Corporation for
 organizing the
 Company.

4. The shareholders shall meet annually at such time and place as may be
 appointed in and by the bye laws of the said Company, at which meeting the
 shareholders present, or by proxy, may either continue in office the Directors
 before appointed, or any number of them, or may elect a new body of Directors

Annual meeting to
 be held at a time to
 be appointed by the
 bye laws.

to

Omission to meet not to work a forfeiture.

to supply the place of those not continued in office ; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by one or more of the Directors of the said Company for the time being, or by any three of the shareholders.

Power given to the Directors and officers to manage the concerns of the Corporation.

5. The Directors and officers of the said Company, or a majority of them, shall have full power and authority to manage the concerns of the said Coporation, subject to the bye laws of the said Corporation and the regulations herein contained, may appoint and employ any agent or other persons by them deemed necessary, may declare annual or semi-annual dividends or profits, as ascertained by them ; but no person shall be eligible as a Director unless such person is a shareholder, and of the full age of twenty one years ; nor shall any sale or purchase of real estate be made by them except by consent of two thirds of the stockholders, voting as provided in section second.

Shares to be numbered, and Certificates of property therein given to the members of the Corporation.

Shares to be assignable.

6. All the shares in the said Company shall be numbered in progressive order, and every member of said Company shall have a Certificate under the Seal of said Corporation, and signed by the President and Clerk thereof, certifying his property in such shares as expressed in the Certificate ; and the shares of the said Corporation shall be assignable, and such assignee shall thereupon become a member and stockholder in the said Company ; and whenever any stockholder or shareholder shall assign or transfer his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

Liability for Corporation debts.

7. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

Act to be void unless ten per cent. of capital be paid up and Certificate filed in the Provincial Secretary's office within three years.

8. Provided always, that unless ten per cent. of the capital stock shall be paid in for the purposes of the Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

CAP. LXXIX.

An Act to incorporate the Trustees of the Provident Institution.

Passed 7th April 1852.

Not reported by R. Laws

Preamble.

‘ WHEREAS the several persons hereinafter named have formed themselves into a Society, together with many other persons in Great Britain, under the provisions of an Act of the Imperial Parliament passed in the thirteenth and fourteenth years of the Reign of Her present Majesty, intituled ‘ *An Act to consolidate and amend the Laws relating to Friendly Societies*, for several beneficial purposes, and amongst others, for the purpose of enabling any member, or the husband, wife or child of any member, to emigrate : And whereas it may tend to the promotion of such objects and to the benefit of this Province if such persons were incorporated ;

Imperial Act 13 & 14 V. c. 115.

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

The Trustees of the Provident Institution incorporated.

1. That Sir Augustus William Hillary, Baronet, Sir George De La Poer Beresford, Baronet, Sir Cavendish William Rumbold, Baronet, Sir Charles Rich, Baronet, Sir George Rich, Knight, the Honorable Edmund Seton Pery Knox, Major George Frederick Berkley St. John, Frederick Augustus Bell, Augustus Frederick Burgett, Henry Long, William Andrews, and John Naylor, Esquires, their associates, successors and assigns, shall be and they are hereby erected into

a Body Politic and Corporate, by the name of *The Trustees of the Provident Institution*, and by that name shall have perpetual succession, and a Common Seal, and all and singular other the general powers, privileges and benefits, and be subject to the conditions made incident to a Corporation by Act of Assembly of this Province, for the purpose of encouraging emigration to this Province, under the provisions and enactments of the before mentioned Act of the Imperial Parliament.

2. The said Corporation may purchase and hold or receive lands, tenements and hereditaments in fee simple or otherwise, and rents, moneys, securities for money, mortgages and securities on real or personal property, and also to sell and convey lands, or mortgage, demise, or let the same, as may be found necessary for the purposes of emigration.

Corporation may purchase and hold real and personal property.

3. The said Corporation shall not hold or possess any lands at any one time within this Province to a greater extent than one hundred thousand acres, and shall not lend money by way of discount, nor engage in any Banking transaction whatever.

Restrictions as to property and Banking operations.

4. At any meeting of the said Corporation five of the members thereof shall be a quorum, and shall elect a Chairman, who shall have a casting vote in all cases of equality of votes; and such meeting shall have full power, by a majority of votes, to admit new members and to transact all other business of or relating to the said Society, subject only to the provisions of this Act and of the said Act of the Imperial Parliament.

Quorum, and authority to transact business.

5. Such meeting shall have full power, by a like majority, to make such bye laws as may be necessary as well for the management of the said Society, and the lands, estates, mortgages, goods and other property thereof, and for raising money for the purposes of the said Society on the security of any lands or other property thereof, and for the regulation of any members or contributors to the funds thereof, or of any settlers on the lands that may belong to the said Corporation, and as shall from time to time be required for the good government thereof, and any subsequent meeting may alter and amend the same from time to time as occasion may require, provided that no such bye law shall be contradictory or repugnant to the laws of this Province; provided also, that no such bye law shall have any power or effect until it shall have been submitted to and approved by the Lieutenant Governor in Council, and published in the Royal Gazette.

Authority to make and amend bye laws.

Bye laws to be approved of by the Lieut. Governor.

6. The said Corporation shall have power and they are hereby authorized to carry on a Fishing establishment or establishments in this Province, and for this purpose may have, hold and employ such vessels and property as may be necessary for carrying on the same as effectually as a private individual or Company might do, but in their corporate name and capacity, and under the same provisions and liabilities, and with the same privileges as other property held by them, or other powers given to them for emigration purposes.

Authority to carry on a Fishing Establishment.

7. The joint property of the said Corporation shall alone be liable for the debts or engagements of the same.

Liability for debts.

CAP. LXXX. *Not repealed by R. Laws*

An Act to incorporate the Hillsborough Temperance Hall and Mechanics' Institute.

Passed 7th April 1852.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Hillsborough Temperance Hall and Mechanics' Institute established in Hillsborough, in the County of Albert, for the purpose of disseminating

The Hillsborough Temperance Hall and Mechanics' Institute incorporated, with privi-

leges incident to a Corporation.

nating Temperance principles and instructing Mechanics and others in the different branches of Science, be incorporated; and that William Wallace, William H. Steves, John Lewis, Isaac Steves, and Samuel Gross, and such others as are or may become members of said Institute, shall be and they are hereby constituted a Body Corporate, for the purposes above mentioned and none other, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed the sum of eight hundred pounds.

CAP. LXXXI.

An Act to incorporate the Harvey Agricultural Society.

Passed 7th April 1852.

Preamble.

WHEREAS John Smith, Charles P. Bliss, J. E. Upham, John A. Read, Edwin Steves, Isaac Turner, Timothy Bishop, and other inhabitants and land owners in the Parish of Harvey, in the County of Albert, have formed themselves into a Society for the promotion and improvement of Agriculture in said Parish; and it would be more beneficial to the interests of said Society, and enable them more effectually to carry out the intention and promote the object thereof, if the said Society were incorporated;

The Harvey Agricultural Society incorporated, with privileges incident to a Corporation.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Smith, Charles P. Bliss, J. E. Upham, John A. Read, Edward Steves, Isaac Turner, Timothy Bishop, and the Directors and all other persons who are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of *The Harvey Agricultural Society*, for the purpose of promoting and encouraging agriculture and domestic economy, and for this purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

CAP. LXXXII.

An Act to incorporate the Botsford and Westmorland, County of Westmorland, Agricultural Society.

Passed 7th April 1852.

Preamble.

WHEREAS certain inhabitants of the Parishes of Botsford and Westmorland, in the County of Westmorland, did in the year one thousand eight hundred and forty nine form themselves into a Society for the promotion of Agriculture, in the said County, which said Society has been ever since in active and useful operation: And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has, in consequence thereof, been found unable in many instances efficiently to carry out the intentions and promote the object of the Society;

The Botsford and Westmorland, County of Westmorland, Agricultural Society incorporated.

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

1. That Alexander Monro, George Dobson, John Blacklock, Thomas Oulton, Joseph Harper, Stephen Gooden, Abel Atkinson, Ephraim Raworth, David Anderson, John Trenholm, Jacob Siliker, and all other such persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of *The Botsford and Westmorland, County of Westmorland, Agricultural Society*, for the purpose of promoting and encouraging agriculture and rural

rural and domestic economy and industry within the said County, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

2. There shall be a general meeting of the members of the said Corporation to be annually holden on the second Tuesday in October in each and every year, in the Parishes of Botsford and Westmorland alternately, at which annual meeting there shall be chosen, by a majority thereof, one President, two Vice Presidents, a Treasurer, two Secretaries, and nine Directors, who shall continue in office one year, or until others are chosen in their room; in the choice of which each member of the said Corporation shall have one vote for each of the aforesaid officers, and every member may vote by proxy, provided such proxy be a member, and previously to voting produce a sufficient authority in writing from his constituent or constituents.

Annual general meeting to be held on second Tuesday in October when office bearers shall be chosen.

3. And whereas at a general meeting of the members of the Society hereby incorporated, held at Botsford, in the County of Westmorland aforesaid, one President, two Vice Presidents, a Treasurer, two Secretaries, and nine Directors, were elected by the votes of the said members for the current year; Be it enacted, That the said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the second Tuesday in October next, or until others are chosen in their stead.

Officers already elected continued in office.

CAP. LXXXIII. *See 17 Vic. c. 7.*

An Act to incorporate the Wakefield and Brighton Agricultural Society.

Passed 7th April 1852.

WHEREAS certain inhabitants of the Parishes of Wakefield and Brighton, in the County of Carleton, have formed themselves into a Society for the promotion of Agriculture in the said County: And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has in consequence thereof been found unable, in many instances, efficiently to carry out the intentions and promote the object of the Society;

Preamble.

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

1. That George Stickney, Josiah S. Brown, Junior, John F. Shaw, George R. Bowyer, William M'Gee, Amos Dickinson, Junior, James Jones, Charles M' Mullin, Samuel Hayden, Adam Tedlie, James Rideout, John Bubar, and all such other persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of *The Wakefield and Brighton Agricultural Society*, for the purpose of promoting and encouraging agriculture and rural and domestic economy and industry within the said County, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly in this Province.

The Wakefield and Brighton Agricultural Society incorporated.

2. There shall be a general meeting of the members of the said Corporation to be annually holden on the first Tuesday in October in each and every year, at or near the mouth of the Beguaguimick Stream, in the Parish of Brighton, in the said County, at which annual meeting there shall be chosen, by a majority thereof, a President, five Vice Presidents, a Secretary, and a Treasurer, who shall continue in office one year or until others are chosen in their room; in the choice of which each member of the said Corporation shall have one vote for each of the aforesaid officers, and every member may vote by proxy, provided such proxy be a member, and previous to voting produce a sufficient authority in writing from his constituent or constituents.

Annual general meeting to be held on first Tuesday in October when officers shall be chosen.

Officers already elected continued in office.

3. ' And whereas at a general meeting of the members of the Society hereby incorporated, held at Simonds, in the County of Carleton aforesaid, a President, ' a Secretary, and a Treasurer, were elected by the votes of the said members for ' the current year; ' Be it enacted, That the said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the first Tuesday in October next, or until others are chosen in their stead.

CAP. LXXXIV.

An Act to incorporate the Queen's County Agricultural Society.

Passed 7th April 1852.

Preamble.

~~WHEREAS Leonard Slip, Senior, William Foshay, Esquire, James Slip, ' Senior, James Slip, Junior, William Reed, Samuel L. Peters, William ' J. Caldwell, George Clark, Leveret Smith, George L. Slip, Gilbert R. Merrit, ' and other inhabitants and land owners in the said County, have formed them- ' selves into a Society for the promotion and improvement of Agriculture in said ' County, and it would be more beneficial to the interests of said Society, and ' enable them more effectually to carry out the intentions and promote the object ' thereof, if the said Society were incorporated;~~

The Queen's County Agricultural Society incorporated, with privileges incident to a Corporation.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Leonard Slip, Senior, William Foshay, James Slip, Senior, James Slip, Junior, William Reed, Samuel L. Peters, William J. Caldwell, George Clark, Leveret Smith, George L. Slip, Gilbert R. Merrit, and the Directors, and all other persons who are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of *The Queen's County Agricultural Society*, for the purpose of promoting and encouraging agriculture and domestic economy, and for this purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.



Anno Decimo Quarto Victoriae Reginae.

CAP. XXXVI.

*Reprinted in P. Laws Vol 2
Page 320. & since*

An Act to facilitate the construction of a Railway from Saint Andrews to Quebec.

Passed 28th March 1851.

Continued

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly,

1. When the shareholders of the Saint Andrews and Quebec Rail Road Company shall pay into their Treasurer at least the sum of two thousand pounds sterling, and it shall be satisfactorily proved to the Lieutenant Governor in Council that such sum has been actually paid in, and is ready to be expended in the construction within this Province of a Railway from Saint Andrews to Woodstock, the Provincial Treasurer shall be authorized by the Lieutenant Governor in Council to subscribe on behalf of the Province for shares in the said Company to the like amount, and in payment therefor to deliver to the said Company special Certificates of Debt, to be called Debentures, bearing interest at a rate not exceeding six per cent. per annum, the principal money redeemable in thirty years; and so from time to time when it shall be satisfactorily proved to the Lieutenant Governor in Council that the sums theretofore subscribed and paid in by the shareholders of the said Company, and the proceeds of the Debentures previously delivered, have been expended in the construction of the said Railway, and that a further sum of at least two thousand pounds sterling has been actually paid in by the shareholders, and is ready to be expended in like manner, the Provincial Treasurer shall again be authorized to subscribe on behalf of the Province for shares in the said Company, to an equal amount with the sum so paid in and ready to be expended, and also to pay in full for such shares by a further delivery of Debentures; provided always, that the amount of shares in the said Company subscribed and paid for by the Provincial Treasurer in any one year shall not exceed the sum of twenty thousand pounds sterling, and in the whole shall not exceed the sum of fifty thousand pounds sterling; provided always, that the shares to be delivered to the Provincial Treasurer on account of the Province shall be of the same class and description as those paid up by the shareholders of the Company for the purposes of this Act.

2. The Debentures shall be in the form in the Schedule annexed, they shall be signed and sealed by the Lieutenant Governor, and countersigned by the Provincial Treasurer; they shall be numbered consecutively, beginning with number one, and shall be issued for such sums from one hundred to one thousand pounds sterling, as may be deemed expedient; the interest thereon shall be paid half yearly, either in London, New York, or Saint Andrews, at the option of the holder, who shall give to the Provincial Treasurer six months notice in writing at which of the places named he wishes to receive interest on the Debentures he holds; provided always, that whenever such interest is paid in New York, it shall be at the rate of four dollars and eighty cents for the pound sterling, and when at Saint Andrews, at twenty four shillings currency for the pound sterling.

which makes this superfluous

When the shareholders pay to their Treasurer £2,000 sterling, stock to a like amount to be taken by the Province, and Debentures delivered to the Company for the amount.

On further payments of £2,000 by the shareholders, the like additional amounts of stock to be taken.

Limit.

Form, numbers, and amounts of Debentures.

Interest to be paid half yearly in London, New York, or Saint Andrews.

Debentures to be redeemed in thirty years.

3. The principal money of such Debentures shall be paid in full at the end of thirty years to the then holders thereof, at the same places and on the same terms as the interest is made payable.

Certificates of shares to be held as public property; but no control to be exercised or interest received.

4. The Certificates of Shares in the Saint Andrews and Quebec Rail Road Company to be from time to time delivered by the Company to the Provincial Treasurer, shall be held by him for and on behalf of the Province, as public property; and while such shares are so held no vote thereon shall be given at any meeting of the Company, nor shall there be any interference with or control over the management or business of the said Company on account thereof, by the Government; and no interest shall be paid to or claimed by the Province on such shares in consideration of their having been paid for in full at the time of subscription; provided that the Legislative Council and Assembly may, annually, by joint Resolution, appoint two Directors, who shall have the same power and authority as any other Directors chosen under the Act of Incorporation.

Two Directors may be appointed by the Legislative Council and Assembly.

Application of dividends and disposal of shares.

5. The dividends arising from the shares in the said Company held by the Provincial Treasurer, shall be applied toward the payment of interest on the said Debentures, and at the expiration of thirty years, when such Debentures become payable, the said shares shall be sold and disposed of, and the proceeds be applied toward the payment of the same; and the faith and credit of this Province, and the ordinary revenues thereof, and the amount or proceeds of any special impost which may hereafter be levied and collected for the paying off such Railway Debentures, and the interest thereon, shall be and hereby are declared pledged to any and every holder of the same for payment of interest as it becomes due, and for payment of the principal money at the expiration of the time limited for payment of the said Debentures, as they severally fall due.

Faith, Credit and Revenues of the Province pledged for the interest and principal of Debentures.

Act may be altered.

6. This Act may be altered and amended during the present Session.

Suspending clause.

7. This Act shall not come into operation or be in force until Her Majesty's Royal approbation thereof be first had and declared.

SCHEDULE.

BRITISH NORTH AMERICA.

[L.S.]

Six Per Cent. Stock of the Province of New Brunswick.

Form of Debentures.

No. —

Certificate for £ — Sterling.

This is to certify, That there is due from the Province of New Brunswick to the holder of this Certificate, — hundred pounds sterling, to be paid in London on the — day of — A. D. 188 , or in New York, or Saint Andrews, N. B., at the option of the holder, on six months previous notice being given by him to the Treasurer of the said Province.

This Certificate bears Interest at the rate of Six per cent. per annum, payable on presentment thereof half yearly in London, on the — day of — and the — day of — in each year, or on the same days in New York or Saint Andrews, at the option of the holder, on six months previous notice being given by him to the Province Treasurer of his desire to be paid interest at either of those places.

In testimony whereof, the Lieutenant Governor of the Province of New Brunswick, on behalf of the said Province, and by virtue of the authority vested in him by an Act of the General Assembly of the same, intituled *An Act to facilitate the construction of a Railway from Saint Andrews to Quebec*, which Act has been approved and allowed by Her Majesty, has hereunto set his Hand, and affixed

affixed his Seal of Office, at Fredericton, in the Province of New Brunswick, this — day of —, A. D. 185 .

(Signed)

Countersigned by the
Provincial Treasurer. }

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 25th day of June 1851, and published and declared in the Province the 9th day of July 1851.]

In R. Laws. Vol. 1. CAP. XXXVII. And New Act. in R. L. Vol. 1. Page 269.

An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province.

Passed 30th April 1851.

WHEREAS doubts have arisen whether the Act passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled 'An Act to extend the privilege of solemnizing Marriage to all Ministers or Teachers of the several Religious Congregations in this Province, extends to other than those Religious Congregations in existence at the time of the passing of the said Act;

Preamble.

4 W. 4, c. 46.

Act 4 W. 4, c. 46, extended to all Religious Congregations.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act the provisions of the above mentioned in part recited Act be and the same are hereby extended to all Religious Congregations that may have existed or may hereafter exist within this Province, and their Ministers or Teachers.

Marriages to be subject to the provisions of 4 W. 4, c. 46.

II. And be it enacted, That every Marriage to be solemnized under and by virtue of this Act shall be subject to all the provisions, and every person concerned therein shall be subject to all the pains and penalties prescribed in and by the above mentioned hereinbefore in part recited Act to which this Act is an amendment.

Act suspended till Her Majesty's approbation be declared.

III. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto first had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 7th day of August, 1851, and published and declared in the Province the 10th day of September 1851.]

In above CAP. XXXVIII. With the exception of the 1st Section this Act continues in operation with several amendments in the R. Laws, Vol. 2, Page 480

An Act to provide for the establishment of Municipal Authorities in this Province.

Passed 30th April 1851.

WHEREAS for the better protection and management of the local interests of Her Majesty's Subjects, it is expedient that Municipal Authorities be established in this Province;

Preamble.

Act repealed 17th Vic. C. 8. what

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

Proceedings antecedent to the incorporation of any County. *This 1st Section*

If it be desired that any County shall be incorporated under the provisions of this Act, the same shall be signified to the Lieutenant Governor in Council in manner following:—

At least fifty of the resident freeholders and householders of the County paying rates upon property, shall by petition to the Sheriff, pray that a public meeting be called at the County Court House for the purpose of taking into consideration the propriety of incorporating the County:

Petition to the Sheriff for a public meeting.

The

Notice of meeting by the Sheriff.

The Sheriff shall thereupon give at least three months public notice of the day and hour at which such public meeting shall be held; the notice shall contain a copy of the petition and of the names of the signers; it shall be published at least in eight weekly numbers of a newspaper printed and circulating in the County, if any, and also shall be published by printed handbills in at least ten of the most public places in each Parish:

Sheriff to preside at the meeting, and if it be decided that the County shall be incorporated, he shall report the fact to the Lieutenant Governor.

At the meeting the Sheriff shall preside; if not less than one hundred householders and rate payers upon property are present, it shall be put to vote whether the County shall or shall not be incorporated under this Act, and if two thirds of those who vote on the question at such meeting, being householders and rate payers upon property, shall decide in the affirmative, the Sheriff shall certify the same under his hand and seal to the Lieutenant Governor in Council:

If decision be adverse, meeting to be dissolved, but another may be called.

If it be decided that the County shall not be incorporated, the Sheriff shall thereupon dissolve the meeting; but another meeting may be called at any time after six months from the preceding meeting, on the like petition, and similar notice for taking the question again into consideration as in the preceding provision.

Governor in Council to grant a Charter on receiving the Sheriff's certificate.

2. On receiving the certificate before mentioned from the Sheriff of any County, the Lieutenant Governor in Council may, and is hereby required to grant to such County a Charter of Incorporation, under the Great Seal of the Province, constituting the rate payers upon property of such County a Body Politic and Corporate, by the name of "The Municipality of —," [naming the County as the case may be,] and by that name the Corporation shall have perpetual succession and a common seal, and may sue and be sued, and shall have power to take and hold within the limits of the Municipality real property not exceeding in amount at any one time the yearly value of five hundred pounds currency, and may alienate the same; and may enjoy and exercise all other corporate powers and privileges necessary for carrying out and effecting the purposes and intention of this Act.

Name of Municipality, and general powers.

3. In each County incorporated under this Act there shall be a County Council, consisting of a Warden and Councillors, to be elected as hereinafter provided; every member of such County Council must be an inhabitant of the County, seized and possessed at the time of his election of real estate within the limits thereof of the value of not less than one hundred and fifty pounds currency, over and above all incumbrances.

In incorporated Counties there shall be a County Council. Qualification of Members.

4. When any County is incorporated under this Act, the Collectors of Rates in each Parish shall at least ten days previous to the day hereinafter appointed for the election of Councillors, and so annually thereafter from year to year, furnish the Town Clerk with correct lists, certified under their hands, of all the rate payers upon property within such Parish, who were rated for Parish and County Rates at the last assessment, and who have paid the same at the date of making out such list; which lists shall be furnished by the said Town Clerks respectively to the Chairman elected to preside at the meeting, as provided for in the sixth section of this Act; if any Rate Collector fails to furnish such certified list to the Town Clerk by or within the time limited therefor, he shall be deemed guilty of a misdemeanor, and on conviction thereof before two Justices of the Peace, shall be committed to the County gaol, there to remain without bail or mainprize until such lists be furnished.

In incorporated Counties the Collectors of Rates in each Parish to furnish annually to the Town Clerk correct lists of rate payers upon property.

Penalty.

5. Every Parish shall be entitled to elect two Councillors, and no Parish shall elect more than two.

Every Parish to elect two Councillors.

6. Within three months after the granting of any County Charter in the year one thousand eight hundred and fifty one, and on the first Monday in July in every year thereafter, the electors in every incorporated County shall proceed to the

Within three months after incorporation, and annually on the first Monday in July,

December in the Act

The 1. Section is repeated Page 48. of 2. Vol. 1. Law. for Amendment in Chap. 54 Page 106. of the Volume

P. 1. The whole of this appears to be repeated by R. Law - see Vol. 1. Page 483, but Revised in 1854 by Short before October 1854

the election of Councillors ; and it shall be the duty of each Town Clerk to give twenty days public notice in writing of the time and place of holding such election, and post the same in three of the most public places in the Parish ; and the electors present shall proceed to elect a Chairman, who shall preside at the election in the same.

Councillors to be elected.
Town Clerk to give notice of Election.

7. If at any election for Councillors a poll is demanded by a candidate or any three electors then present, the same shall be granted by the presiding officer :

Poll to be granted on demand.

The meeting shall begin at nine o'clock in the morning, and the poll be kept open until the hour of five in the afternoon, and no later :

Time and duration of meeting.

The votes shall be taken by ballot, each elector putting in the ballot box a slip of paper with the names of the two candidates for whom he votes written or printed thereon ; at the hour of closing the poll the presiding officer shall, in the presence of one elector, to be chosen by each candidate and sworn as tellers, and in the presence of the electors who may choose to remain, open the ballot box, and taking out each ballot separately, read aloud the names written thereon, so as to be taken down by each teller ; and when the whole of the ballots shall be so read aloud and taken down, the presiding officer shall declare the two candidates elected who have the majority of votes, and shall also declare aloud the number of votes polled for each candidate, and in case any two candidates shall have an equal number of votes, the presiding officer is required to give a casting vote for one of such candidates, and so determine the election :

Votes to be taken by ballot.

Proceedings on closing the poll.

The presiding officer within two days after the closing of the election, under the penalty of twenty shillings for each day's delay thereafter, shall make return in writing of the Councillors elected at the first election to the Sheriff of the County, and at any subsequent election, to the Secretary Treasurer of the Council, to whom he shall deliver a list of the number of votes given for each candidate, and such list shall be open for the inspection of every member of the Corporation who shall apply for the same.

Presiding officer to make return of Councillors elected.

8. Before the presiding officer shall allow any votes to be polled, he shall take the oath No. 1 in the Schedule annexed, before some Justice of the Peace for the County in which the election is held ; which oath such Justice is hereby empowered and required to administer, and the Justice shall certify such oath in the poll book for the election.

Presiding officer to take oath No. 1 in the Schedule.

9. The presiding officer, if he see fit, or if required by a candidate, may administer to any person claiming a vote the oath No. 2 in the Schedule annexed ; and no other proof of qualification shall then be required of such person.

Oath No. 2 to be administered to voters on request of a candidate.

10. No person shall vote at the election of Councillors unless of the male sex of the full age of twenty one years, and a subject of Her Majesty by birth or naturalization, nor unless he shall be a rate payer on property in the Parish, and shall have been assessed for and paid his rates and taxes up to the time of such election, nor unless his name shall so appear on the list furnished to the Town Clerk by the Collector of Rates for the Parish under the provisions of the fourth section of this Act.

Qualifications of voters.

11. None of the following persons shall be elected a Councillor, or be appointed to office by any Council, nor shall any person continue to act as Councillor or hold any office under a County Council, after becoming one of the persons disqualified, as follows :—

Persons disqualified for office of Councillors.

1st. Persons in Holy Orders, or Ministers or Teachers of any Religious Sect or Denomination :

2d. Judges or Justices of any Court of Civil Jurisdiction :

3d. Officers of Her Majesty's Army or Navy on full pay :

4th. Any person having a contract or share or interest in a contract with the County :

5th. Any person receiving pecuniary allowance from the County for his services.

Persons exempt from election by desire.

The following persons shall be exempt from being elected Councillor or serving in any County office unless with their own consent :—

Members of the Executive or Legislative Councils, Members of the Legislative Assembly, practising Physicians and Surgeons, Schoolmasters actually engaged in teaching, any Miller who shall be the only one employed in a mill, persons more than sixty years of age, persons who have served as Councillors or in any County office, or paid the penalty for refusal, shall be exempt during the four years next after such service or refusal.

Presiding officer at elections to be a conservator of the peace for the time, with power to command the assistance of Justices, Constables and others.

12. The presiding officer at any election of Councillors or Parish Officers, during the time of such election, shall be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, the apprehension, committal, holding to bail for trial, or trying or convicting offenders, as are vested in Justices of the Peace in this Province ; and for the purpose of preserving peace and good order, all Justices of the Peace residing in the Parish shall attend at the election, upon being notified in writing by the presiding officer ; and such officer may command the assistance of all Justices, Constables and other persons present at the election, and may swear in as many special Constables as he thinks fit ; he may commit any person for a breach of the peace, or for molesting or threatening any elector at or coming to or returning from the election, or for any violation of good order, to the custody of any Constable or person present on view, for such time as he deems expedient, not exceeding twelve hours, or may by writing under his hand commit the offender to the common gaol of the County for any period not exceeding ten days ; and any Justice of the Peace or other person present at an election who shall neglect to aid or assist the presiding officer during such election, when requested by him, shall be deemed guilty of a misdemeanor, and be punished accordingly.

No Councillor elect to act until sworn.

If oath be not taken within ten days, refusal to serve to be inferred.

Fine.

Recovery.

Application.

Elections to supply vacancies in the Council.

13. No person who may be elected a Councillor shall act in that capacity until he shall have taken and subscribed before a Justice of the Peace for the County, who is hereby authorized to administer the same, the oath of allegiance to Her Majesty, and also the oath No. 3 in the Schedule annexed ; such oaths shall be taken and subscribed by each Councillor duly qualified, within ten days after notice of his election, and in default thereof, such person or persons shall be deemed to have refused to accept the office of Councillor, and shall be liable to pay to the Secretary Treasurer of the Council, such fine not exceeding ten pounds currency, as the bye laws of the Council shall prescribe ; if the fine is not paid within eight days after such refusal or neglect, it may be sued for and levied by seizure and sale of so much of the goods and chattels of the offender as will satisfy the same, with costs, by virtue of a warrant under the hand and seal of a Justice of the Peace, to be issued at the instance of the Secretary Treasurer or of any elector of the Municipality, upon the oath of any one competent witness ; and one third of such penalty shall belong to the prosecutor, if he be not a public functionary or officer, and the remaining two thirds to the Corporation ; if the prosecutor be a public functionary or officer, the whole shall belong to the Corporation ; provided always, that no person elected a Councillor shall be subjected to a penalty for not taking the required oaths if he be not qualified.

14. In case of the death or resignation of any Councillor, or his permanent absence from the Municipality, or absence for more than six months, or incapacity after

after election, or refusal to accept the office, the Warden of the County shall issue a warrant under his hand and seal to the Town Clerk, requiring him to call a public meeting in the Parish, to elect some other person to fill the vacancy ; and such election shall be conducted in the manner prescribed in this Act for holding elections ; but no warrant shall issue for an election to supply a vacancy after the second semi-annual meeting of the Council in any year ; in all elections to fill vacancies, the officers presiding at such meetings must be governed by the last certified assessment list.

15. The Council elect, as soon as convenient, and not more than twenty days after their return, shall assemble in the County Court House, and having previously taken the required oaths, shall choose from among themselves a Chairman, who shall be designated by the name of "The Warden of the County of —," (*adding the name of the County*) ; the Warden shall not hold the office for more than one year, or until his successor be elected and sworn in, unless re-elected, if he continue to be a Councillor ; whenever a vacancy occurs by the Warden going out of office or otherwise, the Council shall at its first meeting thereafter proceed to elect a Warden ; during the temporary absence of the Warden, his place may be filled by a Chairman for the time being, chosen by the members present.

16. A majority of the Council shall be a quorum for the transaction of business ; a smaller number may adjourn from time to time, and absent members may be compelled to attend, under such penalties as may be provided by bye law of the Council ; all questions arising in the Council shall be decided by a majority of votes ; in case of an equal division, the Warden or temporary Chairman shall have the casting vote, but in no other case shall the Warden or temporary Chairman have a right to vote.

17. After the first meeting of the Council there shall be regular half yearly meetings in each year, that is to say, on the second Tuesday in January and the third Tuesday in July, which shall not continue longer respectively than five successive days ; besides the semi-annual meetings, the Warden on the application of any four members of the Council, may call special meetings of the Council for the dispatch of business, specifying in such call the grounds thereof, and causing public notice of such special meeting to be posted in some public place in each Parish, or to be personally served on the Councillors of such Parish, at least two days before the time appointed for such special meeting ; all meetings and sittings shall be open and public ; if any Council fail to meet at any time appointed by law, they shall not thereby be deemed to be dissolved, but may hold such future semi-annual and other special meetings as if there had been no failure.

18. Each Council shall appoint a Secretary Treasurer of the Council, who shall at the same time be the Secretary and Treasurer of the Corporation, and such other County officers as they shall deem necessary for County purposes, who shall be under the direction of the said Council in the management thereof.

19. At the time and place of holding the annual election in each Parish for the choice of County Councillors, the rate payers upon property then present entitled to vote for Councillors, shall also, if they so choose, elect all Parish officers, or so many thereof as they may deem necessary for the then ensuing year, by ballot, in the same manner as the Councillors are directed to be elected by the seventh section of this Act ; and after all the Parish officers are thus elected, a correct list shall be made out and certified by the Chairman of the meeting, and within six days after such election, to be by him forwarded to the

The Council elect to choose a Chairman, to be designated the Warden.

Tenure of office.

Quorum for business.

Decisions by votes.

Meetings of the Council to be held semi-annually on second Tuesday in January and third Tuesday in July.

Special meetings.

Meetings to be open.

Failure to meet not to work a dissolution.

Each County to elect a Secretary Treasurer, and other County officers.

Parish officers may be elected at the time of the annual election of Councillors.

On failure, the Council may appoint.

Secretary Treasurer of the Council; and the persons so elected and certified shall be Parish officers for the then ensuing year; and if the rate payers in any Parish fail to elect such Parish officers, or shall not elect a sufficient number, or if no certified list be forwarded within the time limited by this Act to the Secretary Treasurer, to be laid before the Council, the Council shall then and in such case they are hereby authorized and required to make the necessary parochial appointments for the Parish failing to elect for the year; and so much of the Act passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, as is repugnant to the provisions of this section shall be and the same is hereby repealed when and so soon as and so far as relates to the County or Counties in which this Act shall come into operation.

Every Parish officer to be sworn.

In case of intermediate vacancies, the two Councillors for the Parish to appoint the officers.

Penalty.

20. Every Parish officer, whether elected or appointed, shall be sworn to the faithful discharge of his duty within fourteen days after his election or appointment, before a Justice of the Peace, and the Justice shall forthwith make return to the Secretary Treasurer of every officer so sworn as aforesaid; in case of refusal or neglect to serve, or in case of the death or removal of any person so elected or appointed during the year, the County Councillors of the Parish in which such vacancy may occur, may appoint a fit person to any such vacant office until the next meeting of the County Council, when such appointment may be confirmed by such County Council, or another person appointed; and if any person so appointed by the two Councillors for the Parish as aforesaid, shall neglect or refuse to serve, they may appoint another in his place, and so on as often as a similar case may occur, subject to the approval of the County Council as aforesaid; and if any person elected or appointed to any of the said offices shall refuse to serve, or be guilty of any misbehaviour or neglect of duty not herein otherwise specially provided for, such person shall forfeit and pay the sum of forty shillings for each and every offence, and in case of the neglect of duty or misbehaviour of any Constable or other Parish officer, the County Council, in addition to any penalty for the offence, may dismiss such officer and appoint another person in his place.

No person to hold more than one County office by self or partner.
No officer to have any interest in any County work.

Councillors to hold office until others are elected in their stead.

A Warden or Councillor may resign.

21. No person shall hold more than one County office at the same time in any County; the partner of any County officer shall not hold office in the same County with such officer; no officer either directly or indirectly shall have any share or interest whatever, either for himself or his partner, in any work undertaken for the County Council.

22. Every Councillor, duly elected and qualified, shall continue in office one year, or until another is elected in his stead, but any Councillor going out shall not be re-elected for the then ensuing year unless by his own consent.

23. A Warden or Councillor may resign his office at any time by a declaration to that effect under his hand, and on payment of a fine of ten pounds; the vacancy may be filled by a new election as in other cases of vacancy; the Councillor elected to fill the vacancy shall hold office for the residue of the term of the person whom he succeeds, but no longer, but he shall be capable of immediate re-election unless disqualified.

Councils may make regulations for their proceedings.

24. Each Council shall have power to make and from time to time alter such rules and regulations as may be requisite for the conduct and good order of their proceedings.

Bye laws may be made for the following objects:

25. The powers and authority of the Council shall extend to the following objects, to regulate which bye laws may be passed:—

- 1st. For making, maintaining or improving any new or existing road or street, or for stopping up, altering or diverting the same, not being a great road: Roads and streets;
- 2d. For the erection, preservation or repair of any new or existing bridges and public buildings: Bridges and public buildings;
- 3d. For the purchase and management of such real estate as may be required for the public use of the inhabitants of the County: Purchase, &c. of real estate;
- 4th. For the sale of such real property belonging to the County as they may deem expedient and beneficial to the inhabitants of the County: Sale of real estate held;
- 5th. For the superintendence and management of all the property of the County: County property;
- 6th. For the support of the poor of each Parish: Parish poor;
- 7th. For the establishment and regulation of markets and fairs: Markets and fairs;
- 8th. For licencing and regulating Tavern Keepers and Retailers: Tavern Keepers and Retailers;
- 9th. For regulating ferries, public wharves and landings: Ferries, wharves and landings;
- 10th. For providing means for defraying such expenses connected with the administration of Justice as require to be defrayed out of the County funds: Expenses of administering Justice;
- 11th. For providing for the establishment and support of schools and hospitals, and the erection of school houses: Schools and Hospitals;
- 12th. For raising, assessing, levying and appropriating all moneys that may be requisite for carrying into effect the objects for which the Council is empowered to make bye laws; such moneys to be raised by tolls on public works or by rates to be assessed on real and personal property, or its owners and occupiers, and other persons resident in the respective Parishes, provided that no assessment shall be made solely for Parish purposes greater than the amount recommended by the Councillors for the particular Parish for which the assessment is made, and shall be made only on such Parish and the inhabitants thereof: Raising and appropriating moneys;
- 13th. For the collection and accounting for of all tolls, rates and assessments, and of the County revenues: Collecting and accounting for tolls, &c.;
- 14th. For imposing penalties on persons refusing to serve in office or take the prescribed oaths, or for any breach of the bye laws: Official penalties;
- 15th. For determining the amount and manner of paying salaries, fees and remuneration of County officers: Payment of salaries;
- 16th. For the making of all contracts relative to matters under their control, which contracts, after being duly considered by the Council, shall be signed by the Warden and countersigned by the Secretary Treasurer: Contracts;
- 17th. For determining what officers it may be expedient to pay, fixing the amount of their salaries and the time and mode of paying them, provided always, that no Warden or Councillor shall receive any salary: Amount of salaries, and time and mode of payment;
- 18th. For obliging each circus company or showman, or exhibitor of wild beasts, coming into the Municipality, to pay to the Secretary Treasurer, for the use of the County, a duty of not less than five pounds nor more than ten pounds, under penalty of twenty pounds for contravention thereof: Taxing circuses, showmen, and exhibitors of wild beasts;
- 19th. For making rules and regulations for trying contested elections of members of their own body, and the trying of such contested elections: Contested elections of members;
- 20th. For the prevention of fires by regulating the mode of placing stoves and stove pipes, flues, furnaces and ovens in any house or other building, or for the safe keeping of ashes: Fires, and fire places;
- 21st. For regulating the running at large of horses, cattle, sheep, goats, swine and other animals, geese, turkeys and other poultry, and for impounding the same; and for fixing the periods of the year during which such animals or poultry shall be permitted to run at large or be restrained from so doing: Cattle at large;

Prevention of vice :

22nd. For preventing vice, drunkenness, profane swearing, obscene language, and any other species of immorality or indecency in the public streets or roads ; and for preserving peace and good order in such streets and roads, and in public places or taverns ; for preventing the excessive beating or cruel and inhuman treatment of animals ; for preventing the sale of any intoxicating liquors to indians, children, apprentices or servants, without the consent of their protectors ; and for restraining and punishing all vagabonds, drunkards and beggars, and all persons found drunk or disorderly in any street, road or public highway in the County :

Other matter specially subjected.

23rd. For providing for any other purpose, matter or thing specially subjected to the control of the Council by law ; but no bye law shall impose any punishment of imprisonment for a longer period than thirty days, or any penalty exceeding five pounds.

Authority to make regulations now vested by law in Justices, transferred to the County Council.

26. All powers and authorities now vested by law in Justices of the Peace to make bye laws, impose rates or assessments, appoint County officers, or make regulations for any purpose whatever, after the incorporation of any County, shall be transferred to, vested in, and be exercised by the County Council only ; but no bye laws or regulations made by the Justices in Sessions shall be considered repealed until the County Council shall expressly declare such repeal by a bye law.

County debt to be assumed by the County Council.

27. All debts, liabilities and obligations of every kind which may be due or owing, or to which any County may be legally liable at the time of its incorporation, shall be assumed, paid and performed by the County Council, and be recoverable from the same by action or otherwise, on the same terms and conditions as the same should have been paid and performed if the County had not been incorporated ; and all property of a public nature and debts of every kind belonging or owing to any County, shall at the same time become vested in and due and payable to the County Council, and receivable as if originally due to them ; but no County Council shall issue or authorize the issuing of any bill or note, or in any way act or authorize any persons to act as bankers.

Public property and debts vested in the County Councils.

In assessments, County Councils to be governed by the laws in force. Rate limited.

28. In assessing any rate or tax the County Council shall be governed in all things by the laws now or hereafter to be enacted for levying and collecting of Parish and County rates ; no assessment upon property made by the County Council shall in any case exceed two pence in the pound on the assessed value ; and the same shall be apportioned and assessed equally on all property liable by law to Parish and County rates ; but no rate or assessment whatever shall be made or levied on any lands, tenements or other property real or personal of Her Majesty, Her Heirs or Successors.

Crown property exempted.

Salaries and allowances to officers to continue till altered.

29. All allowances or per centage granted by law to any Collector or County Treasurer, and all salaries, wages and allowances of any kind enjoyed by any County, Town or Parish officer, shall continue to be paid after the incorporation of any County until otherwise ordered by the County Council.

A copy of each bye law to be sent to the Provincial Secretary.

No bye law to be in force until thirty days after its receipt, within which period it may be disallowed.

30. An authentic copy of each bye law passed by the County Council shall forthwith, after being passed, be transmitted by the Warden or Chairman for the time being to the Provincial Secretary, who shall note on such bye law the date of its receipt, and lay the same before the Lieutenant Governor ; no bye law shall go into operation or be of any force until thirty days after its receipt by the Provincial Secretary ; within the said period of thirty days the Lieutenant Governor in Council may disallow any bye law, and such disallowance, with a certificate of the day on which the bye law was received by him, shall with all convenient speed be transmitted by the Provincial Secretary to the Warden of the County, and the bye law so disallowed shall be void and of none effect whatever.

31. The County Council at any semi-annual meeting may order such sums to be assessed on the inhabitants of the County as may be necessary to pay the salaries of County officers or defray the cost of any public work which they may direct to be done.

Assessments may be ordered at any semi-annual meeting to pay salaries and costs of public works.

32. At least ten days before the meeting of the Provincial Legislature, the Warden shall transmit an abstract of the receipts and expenditures of the County during the preceding year to the Lieutenant Governor, who shall lay the same before both branches of the Legislature.

Wardens to transmit abstracts of receipts and expenditures for the information of the Legislature.

33. No Councillor shall in any case receive or be entitled to any salary or emolument for his services as such.

No Councillor to receive emolument as such.

34. Nothing in this Act contained shall extend to any toll bridge or road belonging to any company or individuals, nor to any work under the control of the Imperial or Provincial Government, or of the Military authorities.

Act not to extend to private toll bridges or roads, &c.

35. All fines and penalties imposed by this Act or by any bye law of the County Council, and for the recovery of which no other provision is made, may be recovered with costs by summary proceeding before any Justice of the Peace for the County, and may be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justice; all fines and penalties when recovered shall be paid and applied as this Act or the bye laws shall direct; no informer or other person who is to receive for his own benefit any part of a fine or penalty, shall be a competent witness for the prosecution, unless he first relinquishes in writing all claim to his proportion of the fine or penalty; in such case the whole penalty shall be applied as this Act or the bye law may direct for that portion which was not to go to the informer or prosecutor; any inhabitant of the County or member of the County Council shall be a competent witness in any prosecution for the recovery of a fine or penalty, or in any suit for money payable to the Secretary Treasurer, or due to the County Council, or in any suit wherein the County Council is a party, or has an interest in the result, by reason of such person being an inhabitant of the County or a member of the County Council, or an officer or person in its employ, provided that such person shall have no other interest in the prosecution or suit which would render him an incompetent witness.

Recovery of fines and penalties not otherwise provided for.

36. All rates and tolls imposed by any County Council shall be assessed, collected, paid, levied and recovered in manner prescribed by the bye law imposing the same, and by the assessors and collectors of rates in the respective Parishes, provided such bye law is not repugnant to the law of this Province or to this Act.

Rates and tolls to be assessed agreeably to the bye law imposing the same.

37. All rates for public purposes not within the scope and authority of this Act, to which the inhabitants of any County are now liable, or may hereafter be liable to pay by a law of the Province, shall continue to be assessed upon and paid by the inhabitants of any incorporated County, until otherwise directed by Act of the Legislature.

Assessment and payment of rates not within the scope of this Act.

38. The expenses of levying, collecting and managing all rates and taxes shall form the first charge on the County funds; the expenses incurred by the Sheriff, Coroner, and Gaoler, in the care and safe keeping of prisoners, and in all other matters connected with the administration of Justice, shall form the second charge on these funds; all debts and legal liabilities due and created before the incorporation of the County, shall form the third charge; and all other sums payable out of the County funds for any purpose whatever not within the scope of the power of the County Council, shall form the fourth charge; and all sums and expenses not included in the above charges, which shall be directed by bye law to be paid out of the County funds, in the order in which they are directed to be paid, shall form the fifth charge on such funds.

Preferential order of charges on the County funds.

This Act not to affect any law now in force except so far as inconsistent.

39. Nothing in this Act contained shall be construed to repeal or affect the provisions of any law or enactment now in force, except so far only as such law or enactment shall be inconsistent with or repugnant to the provisions of this Act or the attainment of the objects and purposes thereof.

County Councils at the first semi-annual meeting to appoint a County Auditor, who shall not act until sworn.

40. The County Council at their first semi-annual meeting in each year shall appoint one person to be County Auditor; no person shall be appointed Auditor who is a member of the County Council, or one of its officers, or who shall directly or indirectly, by himself or partner, have any share or interest in any contract with the County Council or any employment under them; no County Auditor shall act as such unless he shall have previously made and subscribed the oath No. 4 in the Schedule annexed, before the Warden of the County or any two of the Councillors, who are hereby authorized and empowered to administer such oath.

Duty and authority of the County Auditor.

41. It shall be the duty of the County Auditor to examine and audit the accounts of the Secretary Treasurer, and all other accounts which may be referred to him by the County Council, and to report thereon at the next semi-annual meeting after such reference; the County Auditor shall have authority to call for all books and vouchers he may deem necessary for elucidating any account laid before him; no accounts shall be allowed or passed by the County Council until the same is audited and reported upon by the County Auditor; and all audited accounts shall be open at all reasonable times to the inspection of any elector of the County.

Duty of the Secretary Treasurer.

42. The Secretary Treasurer of the Council shall keep a book in which shall be entered the minutes of proceedings of the Council, and the bye laws, rules and regulations made by the same; and shall also receive for the said Council from the Parish Councillors or officers or other person or persons whomsoever having charge thereof, all money, property, books, documents, plans, maps, manuscripts or records of whatsoever kind, pertaining to the said Parish within the Municipality; and he shall cause the provisions of this Act in respect of such Municipality, and the rules and regulations established by the Council thereof, and every matter or thing required to be done or performed under the authority of this Act, to be enforced against and executed by the parties subject thereto; and the said Councillors and officers of the County appointed under the provisions of this Act, and of the respective Parishes within such County having charge of the same, shall be and are hereby required to deliver up the same on demand to the Secretary Treasurer of the Council of the County or Municipality constituted under this Act, under the penalty of forty shillings for each and every refusal so to do; and shall also keep a register of all papers and documents on which any action shall have been taken by the Council, and such minutes and registers shall be signed at each sitting by the Warden or temporary Chairman of the Council, and countersigned by the Secretary Treasurer, and copies of such documents so signed as aforesaid, shall be received in evidence in all Courts of Justice in this Province.

Affirmation may be made instead of an oath taken, in certain cases.

43. Every person authorized by law to make affirmation, instead of taking an oath, may make affirmation in every case where an oath is required by this Act; and any person who shall wilfully swear or affirm falsely in any matter where an oath or affirmation is required by this Act, shall be deemed guilty of wilful and corrupt perjury and be punished accordingly.

Lieutenant Governor in Council to appoint Councillors when the Parish neglects to do so.

44. If any Parish shall refuse or neglect to elect Councillors in the manner hereinbefore provided, the Lieutenant Governor in Council shall appoint them or so many of them as ought to have been elected, upon a statement made on oath

oath before some Justice of the Peace, by any two electors, that no election of such Councillors has been had within the time limited by this Act, and the Councillors appointed by the Lieutenant Governor in Council shall be sworn into office, and have the same powers and privileges, and be subject to the same duties and penalties, as if they had been elected at a general meeting of the rate payers of the Parish, and go out of office and may be re-elected as directed by this Act:

45. The Cities of Saint John and Fredericton shall be exempt from the operation of this Act, which shall in no way extend to or affect the said Cities, or either of them; but the remaining Parishes in the Counties of York and Saint John, in which the said Cities of Fredericton and Saint John are respectively situated, may, if the rate payers in those Parishes shall so decide, according to the provisions of this Act, be incorporated by Charter as County Municipalities, distinct and apart from the said Cities of Fredericton and Saint John respectively, and enjoy all the rights, powers and privileges to which other County Corporations may be entitled under this Act.

Cities of Saint John and Fredericton exempted from the operation of this Act.

The remaining Parishes in the Counties of Saint John and York may become incorporated.

46. Every action brought by or against any County Council shall be brought by or against the same by its corporate name; and in all such actions, service of process on the Secretary Treasurer for the time being, shall be good and valid service of such process.

Actions by or against County Councils to be brought in the corporate name.

47. That the Council shall during its sittings be deemed and considered a Court for the transaction of business, and for such purpose shall have all the rights, powers, privileges and immunities incident thereto.

Council during its sitting to be deemed a Court.

48. Wheresoever the words "Lieutenant Governor" occur in this Act, they shall be understood as comprehending the Lieutenant Governor or the person administering the Government of the Province for the time being; and throughout this Act wheresoever words are used importing the singular number, or the masculine gender only, yet they may be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males; and wheresoever words are used denoting the plural number, yet they may be understood to apply to one matter or one person as well as more than one, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and all the sections and articles of this Act shall, if necessary, be so construed together as best to render them operative and effective for the purpose intended.

Interpretation clause.
Lieut. Governor.
Number and gender.

49. This Act may be altered or amended during the present Session of the Legislature.

Act to be construed so as to give it effect.

Act may be amended during the present session.

50. This Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

Act suspended till Her Majesty's approbation be declared.

SCHEDULE.

No. 1.

Oath to be taken by Returning Officer.

I, A. B., presiding and returning officer at the election of Councillors for the County of , do swear (or do solemnly affirm, as the case may be,) that I have not directly or indirectly, by myself or any other person, received any fee, gift, gratuity or reward, either in money or otherwise, or the promise of any, as a consideration for my returning or effecting the return of any person as a member of the Council for the County of ; and that I will, to the best of my ability, fairly, honestly and faithfully, conduct the present election for the choice of members of the

Returning officer's oath.

the County Council, and truly declare the candidates who at the final close shall appear to have the majority of votes ; and that I will use the best of my endeavours to preserve peace and good order at such election, and to give all persons entitled to vote free and unmolested access to and from the poll.

No. 2.

Oath to be taken by Voter at election of County Councillors.

Voter's oath.

I do swear (or solemnly affirm, as the case may be,) that I am C. D., whose name is entered on the Assessment Roll of the Parish of _____, and have not already voted at this election.

No. 3.

Oath to be taken by every County Councillor in addition to the oath of allegiance.

County Council-
ler's oath.

I, E. F., having been elected a Councillor in the County Council of _____ do hereby sincerely and solemnly swear (or do solemnly affirm) that I will faithfully fulfil the duties of the said office according to the best of my judgment and ability ; and that I am seized and possessed to my own use of lands and tenements held in fee within the limits of the County of _____ of the value of one hundred and fifty pounds, over and above all charges and incumbrances due and payable upon or out of the same ; and that I have not fraudulently or collusively obtained the same for the purpose of qualifying me to be elected as aforesaid.

No. 4.

Oath to be taken by the County Auditor.

County Auditor's
oath.

I, G. H., having been appointed to the office of Auditor for the County of _____ do hereby promise and swear (or solemnly affirm,) that I will faithfully perform the duties of that office according to the best of my judgment and ability, and that I have not directly or indirectly any share or interest whatsoever in any contract with, by or on behalf of the Council of this County.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 7th day of August, 1851, and published and declared in the Province the 17th day of September, 1851.]

See R. Laws

V.P. J. Page 484

CAP. XXXIX. *Repealed & New Act*
An Act to suspend the operation of certain provisions of the Militia Laws *B.L. Vol. 1. Page 190.*
Passed 30th April 1851.

Preamble.

WHEREAS it is considered that the Militia Laws of this Province in times of profound peace are productive of great loss of time to the people, as well as unnecessary expense to the Province, and it is deemed not inconsistent with the safety of the public that the operation of certain provisions of the same should be suspended under certain provisoes and restrictions ;

Act G G. 4. c. 18.
s. 5, 6, 7, 8, 9, 15,
16, 17, 19, and 22,
suspended.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fifth, sixth, seventh, eighth, ninth, fifteenth, sixteenth, seventeenth, nineteenth and twenty second sections of an Act made and passed in the sixth year of the Reign of His Majesty King George the Fourth, intituled *An Act to repeal all the laws now in force for the organization and regulation of the Militia, and to make further provisions for the same*, be and the same are hereby suspended for the period of two years after this Act comes into operation.

Lieutenant Govern-
or may at any
time by Proclama-
tion revive the
suspended sections

II. Provided always nevertheless, and be it enacted, That if at any time hereafter His Excellency the Lieutenant Governor or Commander in Chief of this Province, or the Administrator of the Government thereof for the time being,

shall deem it necessary to revive the said several suspended sections of the said recited Act, and to declare them and every of them, and every clause, matter and thing therein contained, to be in full force and operation, it shall and may be lawful for His Excellency the Lieutenant Governor or Commander in Chief, or Administrator of the Government for the time being, by Proclamation, to be published in the Royal Gazette, or in such manner as he may deem expedient, to revive the said several suspended sections of the said recited Act, and to declare them and every of them, and every clause, matter and thing therein contained, to be thenceforth in full force and operation.

and declare them to be in force.

III. And be it enacted, That immediately on the publication of such Proclamation as aforesaid, the said several suspended sections of the said recited Act, and each and every of them, and every clause, matter and thing therein contained, shall be and they are hereby declared to be in full force, effect and operation, any thing herein contained to the contrary thereof in any wise notwithstanding.

The suspended sections to be in force immediately on the publication of the Proclamation.

IV. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

Act suspended till Her Majesty's approbation be declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 7th day of August, 1851, and published and declared in the Province the 17th day of September, 1851.]

Repealed 15th Dec. 1828

CAP. XI

An Act in amendment of an Act intituled *An Act for the better prevention of Illicit Trade.*

Passed 30th April 1851.

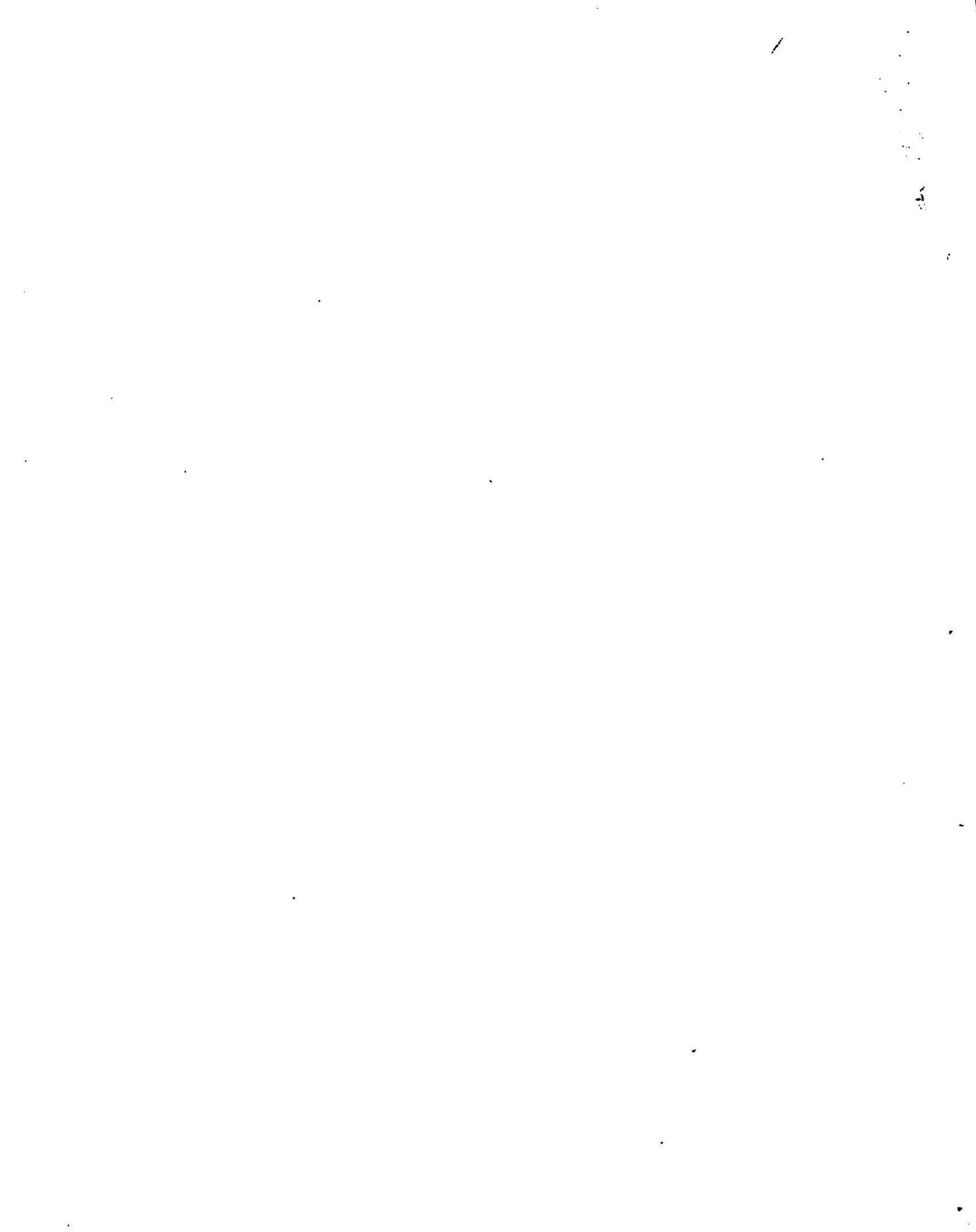
I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, all Wine, Spirits, or other spirituous Liquors, seized, condemned and forfeited, or which may hereafter be seized, condemned and forfeited, under the provisions of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for the better prevention of Illicit Trade*, or for breach of any other Act or Law made or to be made relating to the Provincial Revenue in this Province, shall, when so seized, condemned and forfeited, be forthwith, together with the cask or package in which the same was contained, destroyed by direction and under the immediate supervision of the Treasurer or his Deputy, who shall keep an account of the quantity so destroyed, and by whom seized; and the officer or officers seizing the same shall be entitled to receive out of the Revenue of this Province, and from the hands of the Treasurer, a sum of money equal in amount to the duties payable upon a like quantity legally imported.

All Wine, Spirits, and other Spirituous Liquors, forfeited under Act 11 V. c. 67, with the casks, to be destroyed; and seizing officer to receive from the Treasury a sum equal to the amount of the duty to which the Wine, &c. was liable.

II. And be it enacted, That this Act shall not come into operation nor be in force until Her Majesty's Royal approbation thereto be first had and declared.

Act suspended till Her Majesty's approbation be declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 7th day of August, 1851, and published and declared in the Province the 17th day of September, 1851.]



Anno Decimo Tertio Victoriae Reginae.

[PRIVATE OR PERSONAL ACT.]

CAP. XXI.

Not Repealed

An Act to incorporate the Grand Falls Railway Company.

Passed 26th April 1850.

WHEREAS the construction of a Railway around the Great Falls of the River Saint John would be of great public utility, and it is deemed advisable to grant encouragement to such persons as may be desirous, at their own costs and charges, to make and maintain a Railway at the place aforesaid, by granting them an Act of Incorporation;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That James Jenkins, James Tibbits, Benjamin Beveridge, L. A. Wilmot, Charles Connell, Francis Tibbits, Henry N. West, James R. Tupper, George Connell, Charles A. Hammond, Thomas E. Perley, Michael Currin, Abijah Raymond, and William F. Dibblee, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby declared, ordained and constituted to be a Corporation, Body Politic and Corporate, by the name of *The Grand Falls Railway Company*, and shall by that name have perpetual succession and a common seal; and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever; and shall also have power and authority to purchase, hold and enjoy lands, tenements and hereditaments, for them and their successors and assigns, for making the said Railway, and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said Company shall from time to time and at all times have full power and authority to constitute, make, ordain and establish such bye laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said Company, provided that such bye laws, regulations and ordinances as may be deemed necessary be not contradictory or repugnant to the laws of this Province; and provided also, that no bye laws, regulations and ordinances made under and by virtue of the power and authority of this Act shall be of any force or effect until one calendar month after a true copy of such bye laws, regulations and ordinances, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant Governor or Administrator of the Government for the time being, for his approval or disapproval, unless the Lieutenant Governor or Administrator of the Government in this Province shall before such period signify his approbation thereof; provided always, that it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, at any time either before or after any bye law, regulation or ordinance shall have been laid before him as aforesaid shall have come into operation, to notify to the Company who shall have made the same, his disallowance thereof, and in case the same shall be in force at the time of such disallowance, the time at which the same shall cease to be in force; and no bye law, regulation or ordinance which should be so disallowed, shall have any force or effect whatsoever,

Company incorporated by the name of *The Grand Falls Railway Company*.

Power to sue and be sued;

hold lands, and

make bye laws not repugnant to the laws of the Province.

Bye laws to be laid before the Lieut. Governor for approval or disapproval.

ever, or if it shall be in force at the time of such disallowance, it shall cease to have any force or effect at the time limited in the notice of such disallowance, saving in so far as any penalty may have been then already incurred under the same.

Capital to be £20,000, divided into 10,000 shares.

Period and amounts of payment.

Shares to be personal estate.

On subscription of £10,000, and deposit of two pounds per share, Company authorized to construct and maintain their Railway.

Certificate of proprietorship to be evidence of title.

II. And be it enacted, That the capital stock of the Company hereby established shall be twenty thousand pounds, to be paid in current money of this Province, the whole amount of the said capital stock to be divided into one thousand shares of twenty pounds each, which shares shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors or assigns; and upon taking such shares they shall deposit in such Bank as the Directors of the said Company shall from time to time appoint for that purpose, the sum of two pounds ten shillings per share, current money aforesaid, and the remaining amount of such shares shall be called in as the work progresses, in such parts and amount per share as the Directors of the said Company may deem necessary; provided always, that two pounds ten shillings per share shall be the greatest amount per share of any one call which the said Directors may make on the shareholders, and two months at the least shall be the interval between successive calls, and thirty days previous notice of payment being required for any one call shall be given in the Royal Gazette at Fredericton; and on demand of the holder of any share the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in the Schedule A to this Act annexed, or to the like effect; and every of the said shares shall be deemed personal estate, and transferable as such, and shall not be deemed or taken to be of the nature of real property, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company; provided also, that the money so to be raised as aforesaid shall be laid out in the making, completing and maintaining the said Railway, and in payment of the legal and other expenses incurred in and about the incorporating and establishing the said Company, and to no other use or purpose whatsoever.

III. And be it enacted, That so soon as ten thousand pounds of the capital stock of the said company shall have been subscribed, and the deposit of two pounds per share shall have been actually paid as aforesaid, and not before, it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers and workmen, to make, construct and finally complete, alter and keep in repair a Railway with one or more sets of rails or tracts, with all suitable bridges, archways, turn-outs, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, aboideaux, dikes, buildings, depots and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam engines and carriages, wagons, floats and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers, merchandise, timber and other articles thereon, and may hold and possess the land over which the said Railway is to pass, and such adjoining lands as may be required; the said Railway to be made and constructed on such route as the Directors of the Company in the exercise of their best judgment and discretion shall deem most favourable and best calculated to promote the public convenience.

IV. And be it enacted, That the certificate of the proprietorship of any share in the said Company shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the

the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

V. And be it enacted, That no shareholder shall be entitled to transfer any share after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

No share to be transferred while in arrear.

VI. And be it enacted, That the said Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders, shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts; and the said Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to the execution of trusts in respect of shares.

VII. And be it enacted, That the several persons who have or shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and with respect to the provisions in this Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the personal representatives of such shareholder.

Subscribers to the stock, and their representatives, to pay as appointed by the Directors.

VIII. And be it enacted, That it shall be lawful for the Directors of the said Company from time to time to make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they shall deem necessary, provided that thirty days notice at the least be given of each call as aforesaid, and that no call exceed the prescribed amount as aforesaid, and that successive calls be not made at less than the prescribed interval aforesaid; and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the said Company or Directors thereof.

Power to make calls upon the shareholders for money, and compel payment.

IX. And be it enacted, That if before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

Interest to be paid on over-due instalments.

X. And be it enacted, That if at the time appointed by the said Company or the Directors thereof for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of law or equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

Power to sue defaulting shareholders.

XI. And be it enacted, That in any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one share or more in the said Company, (stating the number of shares,) and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect

Declaration in suits to recover money due on calls.

of

of one call or more upon one share or more, stating the number and amount of each of such calls, where an action hath accrued to the said Company by virtue of this Act.

Proof of call and of defendant having been a stockholder at the time, sufficient.

XII. And be it enacted, That on the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant at the time of making such call was the holder of one share or more in the said undertaking, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

Register of shareholders to be *prima facie* evidence.

XIII. And be it enacted, That the production of the Register of the Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

Shares in arrear may be declared forfeited.

XIV. And be it enacted, That if any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the Directors of the said Company at any time after the expiration of two months from the day appointed for the payment of such call, may declare the share in respect of which such call was payable forfeited, and that whether the said Company have sued for the amount of such call or not.

Notice to be given of intention to declare shares forfeited.

XV. And be it enacted, That before declaring any share forfeited the Directors of the said Company shall cause notice of such intention to be left or transmitted by post to the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share, and if the holder of any such share be beyond the limits of this Province, or if his usual or last place of abode be not known to the said Directors by reason of its being imperfectly described in the Shareholders' Address Book, or otherwise, or if the interest in any share shall be known by the said Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the said share or shares may for the time being belong shall not be known to the said Directors, the said Directors shall give public notice of such intention in the Royal Gazette at Fredericton, and the said notice shall be given thirty days at least before the said Directors shall make such declaration of forfeiture.

Forfeiture of shares to be confirmed at a general meeting.

XVI. And be it enacted, That the said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share until such declaration shall have been confirmed at the next general meeting of the said Company to be held after such notice of intention to make such declaration of forfeiture shall have been given, and it shall be lawful for the said Company to confirm such forfeiture at any such meeting, and by an order at such meeting or at any subsequent general meeting to direct the share or shares so forfeited to be sold or otherwise disposed of.

Forfeited shares may be sold.

XVII. And be it enacted, That after such confirmation as aforesaid, it shall be lawful for the said Directors to sell the forfeited share by public auction, and if there be more than one forfeited share, then either separately or together as to them shall seem fit, and any shareholder may purchase any forfeited share so sold as aforesaid.

Evidence of proprietorship in purchased shares.

XVIII. And be it enacted, That an affidavit by some credible person not interested in the matter, sworn before any Justice or before any Commissioner for taking affidavits to be read in the Supreme Court, that the call in respect of a share

share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such affidavit, and the receipt of the Treasurer of the said Company for the price of such share, shall constitute a good title to such share; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

XIX. And be it enacted, That the said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient as nearly as can be ascertained at the time of such sale to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, with the proof thereof, and certificates of proprietorship to the purchaser, the surplus shall on demand be paid to the defaulter.

No more shares to be sold than are sufficient to pay off arrears and expenses.

XX. And be it enacted, That if payment of such arrears of calls and interest and expenses be made before any share or shares so forfeited and vested in the said Company shall have been sold by public auction as aforesaid, such share or shares shall revert to the party or parties to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

On payment of arrears before sale, shares to revert to the party.

XXI. And be it enacted, That the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act; and for this purpose the said Company, their successors, deputies, agents and assistants, shall have the right to enter and go into and upon the lands and grounds of all and every description lying in the direction aforesaid, for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing and convenient operation of the said Railway, and shall also have the right to take, remove and use for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber and other materials on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which surveys, examinations or other arrangements may be made, or through which the said Railway may be explored, laid out, worked, made and constructed, or on which materials or other things shall be laid for the purposes of the said Railway; provided always, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment; and where the said Railway shall pass through any woodlands or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down or from their natural falling might obstruct or impair said Railway; provided always, that in all cases the said company shall pay for such lands or estate so taken and used, (in case the owner thereof demand it,) such price as the said Company and the owner or

Company invested with all necessary powers, &c.

Power to enter on lands for survey;

Take lands;

Materials;

Extent of land.

Company to pay for lands taken.

respective

In case of disagreement a jury to be summoned to assess the damages.

Assessment to be laid before the next meeting of the Company and amount paid;

On default of payment may be levied with costs.

Power to enter on lands and take materials for the construction and repair of the Railway.

Fences to be maintained on each side of the Railway.

respective owners thereof may mutually agree on; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said lands may be situate, for a warrant, which warrant shall be in the form set forth in the Schedule B to this Act annexed, and shall be directed to the High Sheriff, his Deputy, or any Constable within the said County, commanding such High Sheriff, Deputy or Constable to summon a jury of five disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said Railway; and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such jury; provided nevertheless, that such jury in assessing the said damages are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the Railway, in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages; and in all cases where the jury shall assess damages to be paid to the owner or owners of any land over which the said Railway may be laid out, the Justices who issued the warrant shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessments into the hands of the persons for whom such damages may have been assessed within twenty one days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which shall be agreeably to a scale in Schedule C of this Act; and in default of such payment, it shall and may be lawful for such Justices, or either of them, (in case of the absence or death of the other,) at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of the said Justices, or one of them in case aforesaid, to levy the same with costs, by distress and sale of the goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of this Province.

XXII. And be it enacted, That the said Company, their superintendents, engineers, agents and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand and earth, or material necessary for the construction of the said Railway; and in case of any slip happening or being apprehended to any cutting, embankment or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full ingress and egress into and upon such adjoining lands, for the purpose of repairing or preventing such accident, and to do such works as may be necessary for the purpose, provided always that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch; in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the twenty first section of this Act.

XXIII. And be it enacted, That the said Company at their own proper costs and charges, shall erect and maintain on each side of the Railway sufficient fences whenever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway; and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer and Terminer or

General Sessions for the County when such fences shall be insufficient, and to be fined in such sum as shall be there and then adjudged; and such fine shall be expended for the erection or repair of said fences, and for compensation of individual damage, as the case may be; and it shall and may be lawful for the Justices of the said Court of Oyer and Terminer or General Sessions to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

XXIV. And be it enacted, That the immediate government and management of the affairs of the said Company shall be vested in seven Directors, who shall be proprietors of at least ten shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; that not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in cases of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; that the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have the casting vote.

Company affairs to be managed by a Board of seven Directors.

Quorum.

Vote of the President.

XXV. And be it enacted, That the number of votes which each shareholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the shareholders are to be given, shall be in the following proportions, that is to say: for one share and not more than three, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares; and for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any shareholder shall be entitled to have; and all shareholders may vote by proxy if they shall see fit, provided such proxy be a shareholder, and do produce from his constituent whom he shall represent or for whom he shall vote, an appointment in the form set forth in the Schedule D to this Act annexed, or to the like effect; and whatever question of election of public officers or other matters or things shall be proposed, discussed or considered in any public meeting of the said Company under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present; provided always, that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than one hundred shares.

Number of votes to be given by the shareholders ascertained.

Vote by proxy.

XXVI. And be it enacted. That whenever ten thousand pounds of the said capital stock shall have been subscribed and the deposits paid as aforesaid, the first general meeting of the shareholders shall take place at Woodstock, to be called by notice from any two of the stockholders in the Royal Gazette at Frederickton, and in the newspapers published in Woodstock, twenty days previous to such meeting, in order to organize the said Company and to choose the Directors thereof, who shall continue in office until re-elected or others chosen or appointed in their stead at any meeting to be held under the authority of this Act; that the shareholders present or appearing by proxy shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of

First meeting of the shareholders to be held when £10,000 are subscribed.

their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill up any such vacancy shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

Directors to appoint officers and engineers.

Shareholders may make and amend bye laws.

To be published in the Royal Gazette.

Annual general meeting to be held at Woodstock on first Tuesday in January.

Directors to be then appointed.
Proviso for failure to meet.

Call of extraordinary meetings of the Company.

Thirty days notice by advertisement to be given of all meetings of the Company.

Toll granted to the Company on all passengers and property conveyed on the Railroad.

XXVII. And be it enacted, That the said Directors shall have the power of nominating and appointing all and every the officers and engineers and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject to the bye laws, rules and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new rules, bye laws and regulations for the good government of the said Company and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen and other persons employed by the said Company, as to the major part of the said shareholders shall seem fit; which said rules, bye laws and regulations, being put into writing under the common seal of the said Company, shall be published in the Royal Gazette at Fredericton, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law to justify all persons who shall act under the same.

XXVIII. And be it enacted, That the said shareholders shall meet annually at Woodstock on the first Tuesday in January in each year, at which meeting the shareholders present, personally or by proxy, may either continue in office the Directors before appointed or any number of them, or may elect a new body of Directors to supply the places of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may afterwards be called together for that purpose by the Directors of the said Company for the time being.

XXIX. And be it enacted, That it shall be lawful for any number of shareholders holding in the aggregate five hundred shares, by writing under their hands at any time to require the said Directors to call an extraordinary meeting of the said Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the said Company or given to at least three Directors, or left at their last or usual place of abode; and forthwith upon the receipt of such requisition the said Directors shall convene a meeting of the shareholders; and if for thirty days after such notice the Directors fail to call such meeting, the shareholders aforesaid, qualified as aforesaid, may call such meeting by giving thirty days public notice thereof in the Gazette and newspapers hereinbefore in this Act mentioned.

XXX. And be it enacted, That thirty days public notice at the least of all meetings, whether general or extraordinary, shall be given by advertisement in the Gazette and newspapers hereinbefore in this Act mentioned, which shall specify the place, the day and the hour of meeting, and every notice of an extraordinary meeting shall specify the purpose for which the meeting is called.

XXXI. And be it enacted, That a toll be and is hereby granted for the sole benefit of the said Company on all passengers and property of all descriptions which may be conveyed or transported upon such Railway, at such rates as may be established from time to time by the Directors of the said Company; the transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said
Railway,

Railway, shall be in conformity to such rules, regulations and provisions as the said Directors shall from time to time prescribe and direct; and such Railway may be used by any person or persons who may comply with such rules and regulations; provided always, that if after the completing the said Railway the rates, tolls or dues that may be established by the said Company under and by virtue of this Act shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as that the same shall not produce to the said Company a greater rate of clear annual profits divisible upon the subscribed and paid up capital stock of the said Company than fifteen pounds annually for every hundred pounds of such capital; and in order that the true state of such Company shall be known, it shall be the duty of the President and Directors thereof to file in the office of the Secretary of the Province, for the information of the Legislature, at the expiration of three years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the moneys by them disbursed and laid out in making and completing the said Railway in manner aforesaid; and also of the amount of tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said three years; the said several accounts and statements to be signed by the President and Treasurer of the said Company, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Company in each and every year after the expiration of the said three years, to file in the said office of the Secretary of the Province, for the information of the Legislature, a like statement and account, verified on oath by the President and Treasurer as aforesaid.

The rates may be reduced by the Legislature if found excessive.

Statement of expenses and receipts to be filed in the Provincial Secretary's office for the information of the Legislature.

XXXII. And be it enacted, That whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter contained, at any time hereafter to purchase the said Railway, with all its hereditaments, stock and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three calendar months notice in writing of such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the three then next preceding years; provided that if the average rate of profits for the said three years shall be less than the rate of fifteen pounds in the hundred, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospects thereof, to require that it shall be left to arbitration in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company; provided also, that such option of purchase shall not be exercised except with the consent of the Company, while any such revised scale of tolls, fares and charges shall be in force.

Right of purchasing the Railway and its appurtenances reserved to Her Majesty's Government.

XXXIII. And be it enacted, That the Directors of the said Company shall be bound to provide such conveyance for the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marine, Militia or Police Forces, and for all Ordnance Stores, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any Officer duly authorized for that purpose, and with the whole resources of the Company.

Her Majesty's Forces and Stores to be conveyed when required.

XXXIV. And be it enacted, That the Directors of the said Company shall be and they are hereby authorized from time to time to alter or vary the tolls to be taken

Rates of tolls may be altered, but not so as to prejudice particular parties.

taken upon the said Railway as they shall think fit, provided that all such tolls be at all times charged equally to all persons and after the same rate, whether per ton or otherwise, in respect of all passengers and of all goods, chattels or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of Railway under the same circumstances; and no reduction or advance in any such toll shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using the Railway.

Yearly dividends of the profits to be made.

XXXV. And be it enacted, That the Directors of the said Company shall make yearly dividend of tolls, income and profits, arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well of the repairs of the works belonging to them as for the salaries and allowances of the several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said Directors, consistent with the bye laws, rules and regulations of the said Company.

Receipts of guardians of minors and committees of lunatics to be good discharges.

XXXVI. And be it enacted, That if any money be payable from the said Company to any shareholder or other person being a minor, idiot or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such lunatic, shall be a sufficient discharge to the said Company for the same.

A portion of the profits may be reserved before declaring dividends.

XXXVII. And be it enacted, That before apportioning the profits to be divided among the shareholders, the said Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing and improving the works connected with the said Railway or any part of the said undertaking, and may divide the balance only among the shareholders.

No dividend to be paid on shares in arrears.

XXXVIII. And be it enacted, That no dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable, shall have been paid.

Joint stock to be alone responsible for the Company debts.

XXXIX. And be it enacted, That joint stock or property of the said Company shall alone be responsible for the debts and engagements of the said Company, and that no person or persons who shall or may have dealings with the said Company shall upon any pretence whatsoever have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons further than may be necessary for the faithful application of the funds of the said Company; provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company beyond the extent of his share in the capital of the said Company not then paid out.

Time limited for bringing actions for anything done under this Act.

XL. And be it enacted, That no suit or action at law or equity shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed or cause of action accrued, and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by the authority of this Act.

Punishment for malicious acts, destroying works, &c.

XLI. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the undertaking, break, injure or destroy any of the works to be made by virtue of this Act, every such person or persons shall be guilty of felony, and shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding seven years.

Railway to be completed within three years or Act be void.

XLII. And be it enacted, That the said Company, to entitle themselves to the privileges, benefits and advantages to them granted by this Act, shall and they are hereby

hereby required to make and complete the said Railway within three years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandise thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

XLIII. And be it enacted, That this Act shall not come into operation until Her Majesty's Royal approbation is thereunto first had and declared.

Act suspended until Her Majesty's approbation be declared.

SCHEDULE A.

FORM OF CERTIFICATE OF SHARE.

Certificate of shares.

The Grand Falls Railway Company.

No.

This is to certify that A. B., of _____ is the proprietor of the Share (or shares) Number _____ of the Grand Falls Railway Company, subject to the regulations of the said Company.

Given under the Common Seal of the said Company, the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

SCHEDULE B.

FORM OF WARRANT TO SUMMON JURY.

Warrant to summon Jury.

To the Sheriff, Deputy Sheriff, or any Constable of the County of _____

You are hereby commanded to summon a Jury of five disinterested Freeholders of your County, of no way akin to the party aggrieved, to appear at _____ in the said County, on the _____ day of _____ at _____ of the clock, in the _____ noon, and there and then to assess the damage (if any) which A. B. alleges he has sustained by reason of the works and operations of the Grand Falls Railway Company through and upon his land.

Given under our hands and seals, the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

SCHEDULE C.

Scale of Fees in proceedings before Justices upon assessing damages under the foregoing Act.

Scale of Fees.

Warrant to Summon Jury,	£0	2	6
For every Subpœna	0	0	6
For every copy thereof,	0	0	3
Every adjournment made at the instance of either party,	0	1	0
Trial and Judgment,	0	2	6
Swearing each Witness and Constable,	0	0	3
Swearing Jury,	0	1	0
Execution or Distress Warrant,	0	1	6

To Sheriff or Constable.

Summoning Jury,	0	5	0
Attendance on Inquiry,	0	1	0

For all other services, same as fixed by law in Civil Cases before Justices of the Peace.

To Witnesses.

Attendance and travel, same as in Civil Cases before Justices of the Peace.

To Jurors.

Each Juror sworn on Inquiry,	0	2	6
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SCHEDULE

SCHEDULE D.

FORM OF PROXY.

Form of Proxy.

I, A. B., of do hereby nominate, constitute and appoint C. D. of to be my proxy, in my name and in my absence to vote or give any assent to or dissent from any business, matter or thing, relative to the Grand Falls Railway Company, in such manner as he the said C. D. shall think proper and for the benefit of the said Company.

In witness whereof, I, the said A. B. have hereunto set my hand (or if a Corporation, say the Common Seal of the Corporation,) the day of in the year of our Lord one thousand eight hundred and

A. B.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 24th day of September 1850, and published and declared in the Province the 23d day of October 1850.]

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