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ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
PASSED IN
MARCH AND APRIL 1859.



FREDERICTON:
J. SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY..
1859.

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ANNO REGNI VICTORIÆ BRITANNIARUM REGINÆ VICESIMO SECUNDO.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the twenty fourth day of June, *Anno Domini* One thousand eight hundred and fifty seven, in the Twenty first Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and from thence continued by several prorogations to the tenth day of February, One thousand eight hundred and fifty nine; being the Third Session of the Eighteenth General Assembly convened in the said Province.

ACTS
OF
THE GENERAL ASSEMBLY.

22° VICTORIAE, A. D. 1859.

CAP. I.

An Act imposing Duties for raising a Revenue.

Section.

1. Duties to be collected.
2. To be in addition to any other Duties.
3. Duties remitted on goods for the deep sea or whale fishery.
4. Weights and measures.
5. Tables of Exemption and Prohibition.
6. Duty on goods of several component parts.

Section.

7. Certain articles may, by Proclamation, be admitted free of Duty.
8. Act not to interfere with Act 18 V. c. 1, or Treaty.
9. Act 18 V. c. 2 repealed.
10. Limitation.

Passed 21st March 1859.

WE, Her Majesty's dutiful and loyal Subjects, the Assembly of New Brunswick, in General Assembly convened, for raising the necessary Supplies to defray the expenses of Her Majesty's Government within this Province, have freely resolved to give and grant to the Queen's Most Excellent Majesty, the several Rates and Duties in the Schedule hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted ;—

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

1. On the passing of this Act, there shall be collected and paid unto the Queen, for the use of the Province, upon all goods brought into the same, the several Duties set forth in figures in the subjoined 'Table of Duties,' opposite the respective goods in such Table specified, according to the value, number, or quantity thereof, whether from any part of the British Empire, or Foreign place, or which may be saved from any wreck or stranded vessel.

2. The Duties shall be in addition to any other Duties which are or may be imposed, and shall be payable on all goods already imported on which no Duties have been paid, in the same manner as if imported after the passing of this Act.

3. On affidavit of the exporter of any dutiable goods for the deep sea or whale fisheries, the Duties paid thereon shall be repaid, or, if from the Warehouse, the Bonds shall be satisfied to the extent of the Duties on the goods exported; and on satisfactory proof by affidavit that ship biscuit is required to be shipped as stores from any Warehouse, in a vessel of upwards of fifty tons burthen, for a voyage out and home of not less than thirty days probable duration, the same may be delivered from the Warehouse as such stores, when entered on the vessel's clearance.

4. The Duties shall be collected, paid, and received, according to the weights and measures now in use in this Province; and if imposed according to specific quantity, value, or number, the same shall apply in like proportions to greater or less amounts.

5. The goods mentioned in the Table hereinafter contained, denominated 'Table of Exemptions,' shall be free of Duty; and the articles enumerated or mentioned in the Table hereinafter contained, intituled 'Table of Prohibitions,' shall not be imported into this Province under the penalty therein mentioned, and if imported shall be forfeited and forthwith destroyed.

6. The Governor in Council, in any case of doubt as to the Duty on articles made up of several component parts, may direct such Duty to be taken according to such part as appears to be within the intention of this Act.

7. The Governor in Council, whenever from time to time it may be thought advisable, may declare by Proclamation what articles, the growth, production, or manufacture of any of the British North American or West Indian Possessions, or of the United States of America, may be imported free of Duty.

8. Nothing in this Act shall interfere with the operation of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act for giving effect on the part of the Province of New Brunswick to a certain Treaty between Her Majesty and the United States of America*, or of the said Treaty as confirmed thereby.

9. An Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act imposing Duties for raising a Revenue*, is hereby repealed.

10. This Act shall continue and be in force until the first day of May in the year of our Lord one thousand eight hundred and sixty three.

TABLE OF DUTIES.
Specific.

Axes, each of 3 lbs. weight and upwards, -	- £0	1	6
Candles of all kinds, (except Sperm and Wax),			
per pound, - - - - -	0	0	1
Sperm and Wax, per pound - - - - -	0	0	4
Cider, per gallon, - - - - -	0	0	3
Coffee, per pound, - - - - -	0	0	1½
Fruit, Dried, (except produce of United States of America,) per pound, - - - - -	0	0	1
Leather—Sole, Upper Leather, Harness and Belt			
Leather, per pound, - - - - -	0	0	2
Sheep Skins, tanned or dressed, per dozen,	0	3	0
Calf Skins, tanned, per dozen, - - - - -	0	6	0
Malt Liquors of every description, (not being <i>aqua vitæ</i> , otherwise charged with duty,) whether in bottles or otherwise, per gallon, - - - - -	0	0	6
Soap, (costing less than 6d. per lb.) per pound, -	0	0	0½
Spirits and Cordials, viz :—			
Alcohol, per gallon, - - - - -	0	1	6
Brandy, per gallon, - - - - -	0	4	0
Gin and Whiskey, per gallon, - - - - -	0	2	6
Lemon Syrup, Shrub, and Santa, per gallon,	0	1	0
All other Cordials, per gallon, - - - - -	0	2	6
Tinctures, per gallon, - - - - -	0	1	6
Rum, and all other Spirits not herein enumerated, per gallon, - - - - -	0	1	6
Sugar, Refined, in loaves, per pound, - - - - -	0	0	1½
All other kinds of Refined or White Bastard Sugar, or Sugar Candy, per pound,	0	0	1
Brown or Muscovado, or Clayed, and any other kind of Sugar not refined, per cwt.	0	6	0
Tea, per pound, - - - - -	0	0	2
Tobacco, manufactured, (except Snuff and Cigars,) per pound, - - - - -	0	0	2
Wines, per gallon, - - - - -	0	2	6
And on every hundred pounds of the true and real value thereof, in addition, - - - - -	12	10	0

Ad-valorem.

On the following articles, for every one hundred pounds of the true and real value thereof, viz :—

Anchors ; Canvas ; Cordage ; Chain Cables, and other Chains ; Cotton Warp ; Copper and Patent Metals in sheets, bars, bolts, and scraps ; Felt, in rolls or sheets ; Foreign Hides, green, dried, or salted, (except the produce of the United States of America) ; Iron in bolts, bars, plates, sheets ; Pig Iron ; and Railway Rails and Chairs ; Oakum ; Sails and Rigging for new Ships ; Sheathing Paper ; Silk Plush for Hatters' purposes ; Block Tin ; Tin Plates ; Lead, in pig or sheets ; Zinc, in pig or sheets ; Bar and Sheet Steel ; Brimstone, crude and roll ; Sulphuric Acid ; Muriatic Acid ; Chloride of Lime ; Soda Ash ; Copperas ; Alum ; Phosphorus ; Prussiate of Potash ; Carboys ; Nitre and Spelter ;

£1 0 0

On the following articles, for every one hundred pounds of the true and real value thereof, viz :—

Boots and Shoes of whatever material, and parts of the same ; Leather Manufactures ; Chairs, and prepared parts of or for Chairs ; Clocks, Wheels, Machinery, and materials for Clocks ; Household Furniture, (except Baggage, Apparel, Household effects, Working Tools and Implements, used and in use of persons or families arriving in this Province, if used abroad by them, and not intended for any other person or persons, or for sale) ; Looking Glasses ; Oranges and Lemons ; Brushes ; Hats and Hat Bodies ; Piano Fortes ; Snuff and Cigars ; Carriages, Wagons, Sleighs, and other vehicles, and parts thereof ; Veneer and other Mouldings ; Frames for Pictures and Looking Glasses ; Wooden Wares of all kinds ; Matches ; Corn Brooms ; and all Agricultural Implements, and parts thereof, (except Spades, Shovels, Scythes, and Reaping Hooks) ; Trunks ; Valises ; Portmanteaus ;

£15 0 0

Iron Castings, viz :—Cooking, Close, Box, and Round Stoves, and parts thereof, except Square Stoves, designated as Canada Stoves ; Apparatus for Cooking Stoves ; Franklin Stoves, Register Grates, Fire-frames, and parts thereof ; Kitchen Ranges, Boilers, Cast Iron Furnaces, and parts thereof ;

And on all other Goods, Wares, and Merchandise not herein otherwise charged with Duty, and not hereafter declared to be free from Duty, for every one hundred pounds of the true and real value thereof,	}	£12 10 0
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TABLE OF EXEMPTIONS.

Baggage, Apparel, Household effects, Working Tools and Implements used and in use of families arriving in this Province, if used abroad by them, and not intended for any other person or persons, or for sale: Books, Printed: Carriages of Travellers, properly such, and not intended for sale: Coins and Bullion: Corn Broom Brush: Grain, not malted: Flour, Meal, and Bread Stuffs of all kinds: Rice, ground and unground: Eggs and Poultry: Manures of all kinds: Fish of all kinds: Products of Fish and all other creatures living in the water: Palm Oil: Plants, Shrubs, and Trees: Firewood: Printing Paper, Types, Printing Presses, and Printers' Ink: Rags: old Rope and Junk: Salt of all kinds: Sails and Rigging saved from Vessels wrecked: Soap Grease and Tallow: Butter: Cheese: Lard: Timber and Lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part: Lines and Twines: Shoe Thread and Boot Webbing: Animals of all kinds: fresh, smoked, salted, and cured Meats: Cotton Wool: Cotton Batting: Seeds and Vegetables: undried Fruits: Dried Fruits, the produce of the United States of America: Furs, Skins, or Tails, undressed: Stone or Marble in its crude or unwrought state: Slate: Ores of Metals of all kinds: Coal: Pitch: Tar: Turpentine: Ashes: Pelts: Wool: Bark: Gypsum, ground or unground: Hewn, wrought, or unwrought Burr or Grindstones: Dye Stuffs: Molasses: Flax, Hemp, Manilla, and Tow, unmanufactured: unmanufactured Tobacco: Resin: Horns: Hides, the produce of the United States of America: Barilla: and Chalk.

TABLE OF PROHIBITIONS.

The following articles are prohibited to be imported, under a penalty of fifty pounds, together with the forfeiture of the parcel or package of goods in which the same may be found:—

Books and Drawings of an immoral or indecent character;
 Coin, base or counterfeit.

CAP. II.

An Act to amend an Act to regulate the Circuit Courts and Courts of Oyer and Terminer, and Sittings after Term.

Sittings in York altered.

Passed 21st March 1859.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, That the Sittings in the County of York shall hereafter be held on the second Tuesday in January in each year, instead of the third Tuesday in February, as provided by the Act made and passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to regulate the Circuit Courts and Courts of Oyer and Terminer, and Sittings after Term.*

CAP. III.

An Act to establish additional Polling Places in King's County.

Section.

1. Additional Polling places.

Section.

2. Act 18 V. c. 37, in part repealed.

Passed 21st March 1859.

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

1. The following shall be Polling Places in King's County, for the election of Members to serve in the General Assembly, in addition to those already established by Law, that is to say—

At or near the residence of Cutler Upham, in the Parish of Upham :

At or near the residence of David Forsyth, in the Parish of Hammond.

2. So much of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the election of Members to serve in the General Assembly*, as establishes a Polling Place at or near J. Wanamaker's, in the Parish of Upham, is hereby repealed.

CAP. IV.

An Act to alter and amend Chapter 62, Title VIII, of the Revised Statutes, 'Of the Protection of Sheep and Moose.'

Section.

1. *Prima facie* evidence of illegal killing.
2. Forfeiture; prosecution; application.

Section.

3. Seizure of forfeitable Moose Skins.

Passed 21st March 1859.

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

1. The possession within the time limited by Chapter 62, Title VIII, of the Revised Statutes, 'Of the Protection of Sheep and Moose,' by any person of the carcase or part of the carcase of a moose, or the skin of a moose, shall be *prima facie* evidence that the person killed or destroyed said Moose in violation of the said Act of Assembly; but such person may be admitted as a witness to rebut such evidence.

2. All moose skins found in the possession of any person contrary to this Act, shall be seized and forfeited: prosecutions for the forfeiture of such skins may be had before two Justices residing near the place of seizure, who are required to keep a Book in which they shall enter all causes tried before them under this Act; and after condemnation, the proceeds of sale of such skins shall be paid, one half to the prosecutor, and the other half to the Overseers of the Poor of the Parish where such skins were seized.

3. All Officers of the Revenue, Sheriffs, Justices, and Constables, shall seize and secure any moose skins liable to seizure and forfeiture under this Act.

CAP. V.

An Act to divide the Parish of Nelson into two separate and distinct Parishes.

Section.

Preamble.

1. Parish of Derby erected.
2. Election of Officers.
3. Clerk for election of Parish Officers.

Section.

4. Recovery of previous taxes.
5. Apportionment of debts due by Nelson.
6. Paupers where chargeable.

Passed 21st March 1859.

WHEREAS the Parish of Nelson, in the County of Northumberland, is so extensive as to render the performance of the

several Parochial duties required by Law troublesome and inconvenient, consequently it is necessary to divide the same into two Parishes,—

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

1. That from and after the first day of December next, all that part of the Parish of Nelson bounded on the west by the Parish of Blackville, on the north by the Parish of Northesk, on the east by the lower extremity of Beaubear's Island, and to include the same, and on the south by the South West Branch of the Miramichi River, shall be and the same is hereby erected and constituted a separate Parish, to be called 'The Parish of Derby.'

2. The several Parish Officers for the Parish of Derby shall be elected or appointed in the manner provided for by Title VIII, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes,' and shall in all respects be subject to and come within the provisions of the said recited Title.

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

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, and the same shall and may be paid and recovered in like manner as if this Act had not been made.

5. That the debts and liabilities now due by and chargeable on the said Parish, and the support and maintenance of the Paupers now actually charged on the said Parish of Nelson, shall be from time to time hereafter apportioned between the said Parish of Nelson and the said new Parish, in such proportions by the General Sessions of the Peace for the said County, as to them shall seem just and equitable; the amount necessary to discharge such existing debts, and also for the future support of the Paupers now charged on the said Parish

of Nelson, when so apportioned by the said General Sessions, shall be assessed, levied, and collected under any Law that now is or hereafter may be in force for the assessing, levying, and collecting of Parish and County Rates.

6. That it shall be lawful for, and the said General Sessions of the Peace for the said County are hereby authorized at the General Sessions to be held in January next, to determine how many and which of the paupers now charged on the said Parish shall thereafter be supported and maintained by each of the Parishes created by this Act; and when the said General Sessions shall so determine, any two Justices of the said County, on the application of the Overseers of the Poor of the said Parish of Nelson, shall by Warrant under their hands, directed to any Constable of the said County, cause the said pauper or paupers to be conveyed and delivered over to the Overseers of the Poor of the said new Parish, and such new Parish shall thereafter be liable to and chargeable with the support and maintenance of the said pauper or paupers.

CAP. VI.

An Act for incorporating the Synod of the Church known as the Presbyterian Church of New Brunswick, and the several Congregations connected therewith.

Section.

1. Synod incorporated; powers.
2. First meeting: quorum for business.
3. Trustees of Congregations in connexion with the Synod, incorporated: powers.
4. Annual meeting for election of Trustees.
5. Designation of the Churches and Trustees thereof; incorporation; property.

Section.

6. Conveyance of trust property.
7. Corporate liability for debts.
8. Exercise of corporate right: quorum for business.
9. Act 10 V. c. 71, s. 7, repealed; reservations.
- 10 Limitation of annual incomes.

Passed 21st March 1859.

WHEREAS several Congregations of Christians in New Brunswick, holding the Westminster Confession of Faith as their rule of doctrine, as the same was sanctioned by the General Assembly of the Church of Scotland in 1647, and on the terms and with the explanations of the Act of the said General Assembly ratifying the same—which said Congregations are not in connection with the Presbyterian Bodies in Great Britain and Ireland or elsewhere—have united together and organized themselves into a Church, under the designation of

‘The Presbyterian Church of New Brunswick,’ under the ecclesiastical control of a governing body composed of Ministers and Elders of the said Church, and known as the Synod of the Presbyterian Church of New Brunswick; and it is the desire of the said Church to obtain an Act of Incorporation to enable the said Synod to hold and manage lands and property for ecclesiastical and educational purposes, and also to enable the respective Congregations, in connection with the said Church, to hold lands for grave yards, the erection of churches, and other congregational purposes;—

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

1. That the Reverend Angus M^cMaster, Andrew Donald, Lewis Jack, John Turnbull, William Millan, James Law, A. M., William Ferric, A. M., William Elder, Charles Gordon, C. J. Glass, A. M., James Bennett, James Baird, A. M., William Alves, A. M., A. Smith, H. M^cKay, William Bennett, Thomas George Johnston, James Gray, A. M., James Salmon, Thomas Nicholson, and Alexander Sterling, Ministers, and James Patterson, L. L. D., Adam M^cAffee, Robert Woods, John Maine, James M^cKenzie, James Milligan, and J. G. Stevens, Elders, now constituting the Synod of the Church known as the Presbyterian Church of New Brunswick, their associates and successors, shall, by that name, be a body politic and corporate in deed and name, and have succession for ever, by the name of the Synod of the Church known as ‘The Presbyterian Church of New Brunswick,’ with full power to sue and be sued, to purchase, receive, and hold grants of real and personal estate, and to improve the same, and to sell, assign, dispose, and receive the rents and profits for the use of the Church and Synod, according to the intentions of the donors, and to have a common Seal, with power to break, alter, or renew the same at pleasure, and to make bye laws, and appoint officers for the management of any funds, institutions, and objects connected with the said Church, and to regulate the mode of constituting and the government of said Synod; and shall have all the other general powers and privileges not herein before mentioned and contained, made incident to a Corporation by any Act of Assembly of this Province: Provided always, that the amount of annual rent and profits, and

receipts of land, shall not exceed the sum of five thousand pounds.

2. That the first meeting of said Synod shall be held in Saint John on the third Wednesday in June next, when the said Synod shall be deemed organized as a Corporation: Seven of its members shall form a quorum for the transaction of business; any less number may adjourn.

3. The Trustees of the several and respective Congregations so in connection with the Synod aforesaid, and their successors to be chosen and appointed in manner hereinafter mentioned, shall be for ever a body politic and corporate in deed and name, and shall have succession for ever, by the name of the said several respective Churches to be specially named as hereafter directed; and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever within this Province, and shall have full power and capacity to purchase, receive, take, hold, and enjoy, for the sole use and benefit of the respective Congregations worshipping in the said Churches, and adhering to the said Synod, as well goods and chattels, as lands, tenements, and hereditaments, and improve, sell, assign, and dispose thereof, and receive the rents and profits for the use of the said respective Churches and Congregations, and to sell and exchange the said lands and tenements, and hereditaments and Churches, as occasion may require, in their discretion, subject to the provisions hereinafter mentioned, for the use, benefit, and advantage of said respective Congregations, and to sell the Pews or such number of them as shall in their discretion be deemed needful and be considered best for the interest and benefit of the said Congregation to which said Trustees belong, and under such restrictions as to rent or otherwise, as shall by them be deemed advisable for the benefit of said Congregation, and to have a common Seal, with power to break, alter, or renew the same at pleasure: Provided always, that no sale, exchange, or agreement of lands, tenements, hereditaments, churches, or pews, shall be made without the previous consent and authority of the majority of the electors of Trustees of the Congregation whose interests are to be affected thereby; for which purpose the Trustees, or any three of them, shall cause public notice to

be given of the intended act or acts, at least four successive weeks before such intended sale, exchange, or assignment; which public notice may be given from the pulpit on the regular days of worship, or posted up in some conspicuous place on the Church; which notice shall distinctly state the time and place of meeting for the consideration of such intended act or acts; and the assent of said electors, as aforesaid, shall be testified by the record of the names of the said electors, or the majority of the same present at such meeting, subscribed by such electors, or the majority of the same present as aforesaid, saving and preserving always all private right in any of the premises.

4. On the first Wednesday in July in each year for ever hereafter, a meeting of the male persons then being contributors to an amount of not less than ten shillings per annum to the stipend of the Minister of the respective Congregations, which contribution may be by payment of pew rent, and duly enrolled in its Record Book of such names, and not in arrears, shall be holden in the said Churches respectively; at which meeting between the hours of noon and three of the clock in the afternoon, an election shall be made, to be determined by a majority of such male persons present so being notified as aforesaid and entitled to vote, of persons not exceeding seven, nor less than three, for the purposes aforesaid, who shall forthwith, on the completion of such election, enter upon the duties of their office, and continue in the same for one year, or until other fit and qualified persons shall be chosen in their stead; provided always, that no person shall be eligible to be elected a Trustee unless he be at the time of election a qualified voter and an adherent of said Church for which Trustees are to be elected.

5. When any Congregation in connection with the Synod aforesaid shall elect Trustees under the provisions of this Act, the Trustees as a Corporation shall be known and recognized by the name of the Trustees of such named Church owned by such Congregation; and when no designation shall have been previously given to a Church, the electors at their meeting for the choice of Trustees, shall first by a majority of votes give a name to such Church; and in all cases the name by which the Church is known or may be designated as aforesaid, and by

which the Corporation is recognized, shall be enrolled in a Congregational Book, in which the proceedings of the Congregation and of the Trustees shall all be recorded; and the said book, or an extract from the same, shall be evidence in all Courts of Law or other places within this Province that all proceedings therein contained were rightly had and done, and of the matters therein contained; and any Church or Churches which may be hereafter erected in said Province, or conveyed, or made over to any Congregation in connection with the said Synod, shall in like manner be named and enrolled as aforesaid; and the Trustees of said respective Churches, when so named and enrolled as aforesaid, and also the Trustees of the Churches already named and properly enrolled as aforesaid, shall, when elected, chosen, and appointed in manner and form as in this Act directed, be bodies politic and corporate in deed and name as aforesaid respectively, and shall have succession for ever, by the name of the Trustees of the so named Church by which they are respectively elected; and all lands, tenements, and hereditaments owned by or which may be hereafter conveyed to and for the benefit of any of the said several Congregations, shall be and they are hereby declared to be vested fully and absolutely for the uses and purposes of such Congregations aforesaid, in their said several and respective Corporations; provided always, that nothing in this Act contained shall extend to or affect, or be construed to extend to or affect any Church, or lands, or tenements, or other property, real or personal, conveyed to, or vested in, or belonging to or held for the use of any Corporation in connection with the Established Church of Scotland, or any other Church or Church Corporation.

6. The conveyance of any lands, tenements, or hereditaments, may be made as occasion may require by the Trustees or the majority of them in whom the title to any such lands, tenements, hereditaments, or buildings may be vested for the use and in trust for any Congregation so belonging or adhering to the Synod aforesaid, or by the person or persons in whom the legal title to the same may be vested, to the Trustees elected under this Act by their corporate name, their associates, and successors, who shall hold the same to and for the sole use and benefit of their respective Congregations as fully as by the original deed.

7. The Trustees respectively of the several and respective Churches incorporated or to be incorporated under this Act, when elected as aforesaid, shall be held in law and equity bound for any engagement made by any former Trustees (or other persons) belonging to said Churches respectively, for the Minister's stipend and such other expenses as may have been legally incurred, and the same to be paid by the said Corporation so as to relieve the said former Trustees (or other persons) of the burthen of such engagements; and if the amount thereof shall exceed the yearly income of the said respective Church and Corporation, the same shall be a burthen on the said Church and Corporation as such, and shall not make the said Trustees responsible in their individual and private capacity.

8. Every Board of Trustees incorporated under this Act, shall exercise their rights, powers, and privileges in accordance with the form, discipline, and government of the Synod aforesaid, and according to the usage and rules of the said Synod, as by them may be prescribed, consistent with the terms of this Act, and not repugnant to law: Three Trustees shall form a quorum for the transaction of business.

9. The seventh section of an Act intituled *An Act to provide for the incorporation of certain Presbyterian Churches in the Province not in connection with the Established Church of Scotland*, passed in the tenth year of the Reign of Her present Majesty, is hereby repealed; provided always, that nothing in this Act contained shall extend or be construed to extend to interfere with the rights of any Congregation which may have come under the provisions of the said recited Act, but the same shall be and continue to be a body politic and corporate in all respects under the said recited Act, as if this Act had not passed, unless the said Congregation shall have come under the provisions of this Act, in which case the property, real and personal, of such Congregation, shall be vested in and pass to the Trustees elected under the authority of this Act by such Congregation so coming under the provisions of this Act, for the use and benefit of the same; provided also, that nothing in this Act shall extend to interfere with the vested rights or ownership, legal or equitable, of any person or persons in or to any pew or pews in any Church or Churches previously to the passing of this Act, but the right

of such person or persons shall remain as before the passing of this Act.

10. The annual revenue of the lands, tenements, and hereditaments owned by any one of said Congregations shall not exceed the sum of one thousand pounds.

CAP. VII.

An Act to provide a contribution towards the expense of maintaining the Cape Race Light.

Section.

1. Duty granted; Collection.
2. Accounts and appropriation of duty.

Section.

3. Exoneration by receipt of Custom House Officers in Great Britain or Ireland.
4. Receipt by Provincial Officers.

Passed 13th April 1859.

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

1. There shall be paid to the Queen, for the purpose of assisting in defraying the expense of supporting the Light House erected on Cape Race, in Newfoundland, a Duty at the rate of seven pence halfpenny per hundred tons, according to the Register, upon all Ships, whether Sailing ships or Steam ships, navigating from any Port or Ports in this Province to any Port or Ports in the United Kingdom—upon all Ships, whether Sailing ships or Steam ships, navigating from any Port or Ports in the United Kingdom to any Port or Ports in this Province—upon all Ships, whether Sailing ships or Steam ships, bound from any Port or Ports in this Province upon any transatlantic voyage—also upon all Ships, whether Sailing ships or Steam ships, arriving in any Port or Ports in this Province after any transatlantic voyage; which shall be paid by the Master, Owner, or Consignee of such Vessel, on the arrival at or departure of a Vessel as aforesaid, from any Port in this Province as aforesaid, to the proper officer; and in default thereof, they may be recovered before any Justice of the Peace, in the name of such officer, and levied by Warrant of distress and sale of the tackle, apparel, and other thing belonging to the Vessel, paying the overplus to the party entitled thereto.

2. All moneys collected under the authority of this Act shall be kept in a separate Account, and drawn by Warrant of the Governor in Council, and appropriated towards defraying the expense of maintaining the Light House on Cape Race.

3. If the Master, Owner, or Consignee of such Vessel arriving in any Port in this Province, shall produce to the proper officer the Certificate or Receipt, duly authenticated, of the Custom House Officer of some Port in the United Kingdom of Great Britain or Ireland, that the Duty required by the Order of Her Majesty in Council, under the authority of 'The Merchant Shipping Act,' amended 1855, required to be paid for the purpose of assisting in defraying the expense of the Light House on Cape Race, has been paid, such Receipt or Certificate shall be deemed and taken as a discharge and exoneration of any such Vessel from the Duty prescribed by this Act, on her entry inwards.

4. The proper officer of any Port in this Province shall upon the clearance of every Vessel, furnish the Master with a Receipt or Certificate of the payment of the Duty required by this Act.

CAP. VIII.

An Act to alter and amend the Act to incorporate the City of Fredericton.

Section.

1. Repeals former Acts; reservations.
2. City of Fredericton incorporated.
3. City divided into five Wards.
4. Administration vested in a Mayor and ten Councillors.
5. Assessors to be annually elected.
6. Qualification of Mayor, Councillors, and Assessors.
7. Qualification of Electors.
8. Disqualification for office of Mayor or Councillor.
9. Exempts from serving as Mayor, &c.
10. Time for election of Mayor, Councillors, and Assessors.
11. Elections, where to be held.
12. Notice of Elections.
13. Nominations.
14. Evidence of assessment.
15. Receipt for taxes to be filed before nomination or voting; oath.
16. False oath, perjury.
17. Where Electors to vote.
18. Voting to be by ballot; defects.
19. Court for nomination and poll; declaration.
20. When poll may be closed.
21. Presiding Officer, power of.
22. Return of persons elected.
23. Deposit of Poll lists, and receipts.
24. Appeal from elections.
25. Penalty for not accepting office.
26. Vacation of office by delay.
- 27, 28. Oath of office, &c. before entering on duties.

Section.

29. Continuance in office as Mayor.
30. Councillors elected for more than one Ward.
31. Vacation of office by bankruptcy, &c.
32. Resignation of office; fine.
33. Vacancies by death, &c., supply of.
34. Councillors and Assessors, when to go out of office.
35. Mayor to keep a record, &c.
36. Quarterly Meetings of City Council.
37. Special Meetings, how called;
38. Notice, contents, service, business.
39. Court for business; Minutes.
40. Meetings to be public; President; votes.
41. Minutes to be signed.
42. Improper conduct at meetings.
43. Adjournments, limit to.
44. Committees, appointment of.
45. City Clerk, and other officers, appointment of.
46. Officers to be sworn.
47. Revenue Officers to give bonds.
48. Powers of Inspectors of Flour, Surveyors of Lumber, and Constables.
49. City Treasurer to receive all Rates, &c.
50. Treasurer to pay on written order of Mayor, &c.
51. Treasurer to pay persons entitled.
52. Detailed accounts to be published.
53. Accountability for, and accounts of revenue and expenditure.
54. Power to enact Laws for specified purposes.

- Section.
55. Power to impose fines for breach of Laws.
 56. Power in respect of Streets, &c.
 57. Erection of Wharves, mooring Vessels, &c.
 58. Auctioneers to be licenced.
 59. Power to assess.
 60. Part of the City exempt from certain taxes.
 61. Assessors' duties.
 62. Inhabitants, and owners of property of Corporations, defined.
 63. 'Real' and 'personal estate,' construction of.
 64. Apportionment of rates.
 65. Collection of rates may be regulated by a bye law.
 66. Imprisonment for default in payment.
 67. Notice of assessment on non-residents.
 68. Proceedings on default of payment.
 69. Appeal in case of over-assessment.
 70. Recovery of rates from owner or occupant of property.
 71. Rates to be privileged debts.
 72. Rectification of errors in lists.
 73. Assessment legal, though ten per cent. in excess.

- Section.
74. Power to regulate Tavern keepers.
 75. Rights to certain lands transferred.
 76. Lands ungranted or not specially reserved, vested in City Council.
 77. Expense of administering justice, apportionment of.
 78. Grand Jury of City.
 79. Sheriff, Registrar of Deeds, and Coroners of City.
 80. Jurisdiction of Court of Sessions, &c. within the City.
 81. Mayor to be ex-officio Justice of the Common Pleas;
 82. Also a Justice of the Peace within the City.
 83. Councillors to be Justices of the Peace within the City.
 84. Salary of Mayor limited.
 85. Fines, &c. before whom, and how recoverable.
 86. Prosecution of complaints; accounts of fines.
 87. Citizens and Officers, competent witnesses.
 88. Power to borrow £500 to pay City debt.

Passed 13th April 1859.

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

1. That an Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to repeal the several Acts for incorporating the City of Fredericton, and to make other provisions in lieu thereof*; and also the second Section of an Act made and passed in the same year of Her Majesty's Reign, intituled *An Act to provide for the appointment of Commissioners of the Alms House and Work House for the County of York*, are hereby repealed: Provided that all elections of Mayor, City Councillors, and Assessors, and all appointments of City Officers made under the authority of either of the said Acts, shall remain valid and effectual until others are elected or appointed in their stead under the provisions of this Act; and that all assessments of rates heretofore made upon the said City and not yet collected, and all fines and penalties heretofore imposed under the authority of either of the said Acts, may be proceeded for, collected, and applied in the same manner as if the said Acts had not been repealed; and that all bonds, recognizances, judgments, leases, conveyances and contracts executed by the authority of, or recovered by or against the City Council, shall remain valid and effectual for all purposes; and all bye laws, rules, and ordinances, and every act done under the authority of either of the said Acts,

shall remain as valid and effectual as if the said Acts had not been repealed.

2. From and after the passing of this Act, all the inhabitants of that part of the County of York which is bounded as follows—Northeasterly by high water mark on the northeastern bank of the River Saint John, southeasterly by the dividing line of the Counties of York and Sunbury, northwesterly by the lower line of the Parish of Kingsclear and its northeasterly prolongation, and southwesterly by the Parish of New Maryland—shall be a City Corporate, by the name of ‘The City of Fredericton,’ and shall have perpetual succession, and a common Seal, with power to alter the same, and shall be capable of suing and being sued, and of purchasing and holding lands for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions, and to do and execute every other act incident to such Corporation, subject to the provisions hereinafter mentioned.

3. For the purposes of this Act, the said City shall be and is hereby divided into five Wards, to be severally bounded as follows :—

The first to be called ‘Wellington Ward,’ and to be bounded on the northeast, the southwest, and northwest, by the limits of the City, and on the southeast by a line drawn along the centre of Northumberland Street, and its prolongation :

The second to be called ‘Saint Ann’s Ward,’ and to be bounded on the northeast and southwest by the limits of the City, on the northwest by Wellington Ward, and on the southeast by a line drawn along the centre of York Street, and its prolongation :

The third to be called ‘Carleton Ward,’ and to be bounded on the northeast and southwest by the limits of the City, on the northwest by Saint Ann’s Ward, and on the southeast by a line drawn along the centre of Regent Street, and its prolongation :

The fourth to be called ‘Queen’s Ward,’ and to be bounded on the northeast and the southwest by the limits of the City, on the northwest by Carleton Ward, and on the southeast by a line drawn along the centre of Church Street, and its prolongation :

The fifth to be called 'King's Ward,' and to be bounded on the northwest by Queen's Ward, and on the northeast, the southeast, and the southwest, by the limits of the City.

4. The administration of the fiscal, prudential, and municipal affairs, and the whole legislative power and government of the said City, shall be vested in one principal officer, who shall be styled the Mayor of the City, and in ten other persons, (and in no other power or authority whatsoever,) two of whom shall be annually elected for each Ward, and who shall be styled Councillors of the City of Fredericton, all of whom shall be severally elected as is hereinafter directed; and such Mayor and Councillors shall be called 'The City Council;' and all bye laws made by the said City Council, shall express to be enacted 'By the City Council of the City of Fredericton.'

5. There shall be annually elected at the time hereinafter appointed for the election of Councillors, one Assessor for each Ward; no person shall be eligible for that office unless he be resident in the City, and qualified to the extent required by this Act in the case of a Councillor.

6. No person shall be qualified to be elected or to serve as Mayor, Councillor, or Assessor for the City, unless at the time of his election he be resident within the City, a British subject of the age of twenty one years, and shall have been assessed in the assessment next preceding such election for real or personal estate, or both, within the said City, to the value of two hundred and fifty pounds or upwards, and shall have paid before the time of such election all rates and taxes legally due from him within the City.

7. No person shall be qualified to vote at any election for Mayor, Councillors, or Assessors, unless he is a British subject of the age of twenty one years, and shall have been assessed in the assessment next preceding such election for real or personal estate, or both, within the City, to the value of fifty pounds or upwards, or for income to the amount of twenty five pounds, and shall have paid, twenty days before the day of such election, all rates and taxes legally due from him within the City.

8. No person shall be qualified to be elected to or to serve in the office of Mayor or Councillor so long as he shall hold any office or place of profit in the gift or disposal of the City

Council, nor during such time as he shall by himself or his partner, or in any other manner, directly or indirectly, have any share or interest in any contract or employment with or on behalf of the City Council; nor shall any Minister or Teacher of any religious denomination, nor any person accountable for the City Revenues or any part thereof, nor any officer or person presiding at an election of a Mayor, or Councillor, or Assessor, while so presiding, nor any Clerk or Assistant employed by him at any such election, while so employed, be elected to the office of Mayor or Councillor in the said City; but no person shall be disqualified to serve as Mayor or Councillor by reason of his being a proprietor or shareholder in any Company which shall or may contract with the City Council for lighting, supplying with water, or insuring against fire, any part of the said City, or by reason of his holding any lease of land from the Corporation.

9. No person elected to serve as Mayor, Councillor, or Assessor, who is above the age of sixty five years, or who shall have already served in or paid the fine for the non-acceptance of such office, within five years next preceding the day on which he shall be so elected, shall be liable to a fine for the non-acceptance of such office; and no Military, Naval, or Marine Officer, in Her Majesty's service, on full pay, nor a Member of the Legislature, the Postmaster General nor his Deputies, nor Revenue Officers, Sheriffs, Coroners, Clerks in Public, Civil, or Military Departments, nor Schoolmasters, shall be liable to serve in any such office, or in any other office within the City.

10. From and after the passing of this Act, the annual election of Mayor shall be held on the second Monday in January in each year, and the annual elections for Councillors and Assessors shall be held on the fourth Monday in January in each year.

11. Every election for Mayor, Councillors, and Assessors, after due notice as hereinafter directed, shall be held as follows, that is to say—For the election of Mayor, at one convenient place in the City; and for the election of Councillors and Assessors, in one convenient place in each of the several Wards, and before such persons as shall be appointed for that purpose by the City Council; or by the Sheriff of the County

of York, or by the City Clerk, in case of the neglect or refusal of the City Council to make such appointment.

12. Public notice of the time and place for holding every such election shall be given by the City Clerk in one or more of the Newspapers printed in the City, and by printed handbills to be posted up in the several Wards thereof, for not less than ten days previous to such elections.

13. At every election to be held under this Act, and before the polling commences, there shall be nominated by any elector, producing his qualification as such, out of the persons capable of being elected, including the Mayor, Councillors, and Assessors then in office, one or more persons for the office of Mayor, two or more persons for the office of Councillors in each Ward, and one or more persons for the office of Assessor in each Ward; and no votes shall be counted except those given for one or some of the persons so nominated.

14. The evidence required of assessment for property and of payment of rates thereon, shall be a receipt from the City Treasurer or the Collector of Rates, who shall furnish the same on demand, under the penalty of forty shillings for each refusal; which receipt shall state the value of property or income assessed against the person therein named, and an acknowledgment that the rates due by such person, in respect to such assessment, have been paid.

15. Every person desirous of nominating any person for the office of Mayor, Councillors, or Assessors, or of voting at any election for Mayor, or Councillors, or Assessors, before being permitted to nominate or vote, shall deliver to the officer holding such election, a receipt from the City Treasurer or Collector of Rates, as provided by the fourteenth Section of this Act, (unless such receipt be already filed in the office of the City Clerk, in which case a memorandum thereof, signed by the City Clerk or his Deputy, shall be delivered,) and also, if required by the presiding officer, or by any of the Candidates, or by any duly qualified elector, shall make oath or affirmation before the presiding officer in the form following:—

‘I, A. B., do swear (or affirm) that I am a British subject, of the age of twenty one years, and that I am the person named in the receipt now exhibited (or heretofore filed) by me, that I am qualified by Law to vote, and that I have not before voted at this Election.—So help me God.’

And whenever an elector shall be so sworn the presiding officer shall note the same in his Poll Book.

16. If any person shall knowingly swear or affirm falsely in taking any or either of the oaths, or in making the affirmations prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury.

17. At any election for Councillors or Assessors, every elector shall vote in the Ward in which he resides, or in which he shall have been assessed next preceding such election for real estate to the value of fifty pounds, and any person voting more than once at any election shall be liable to a penalty of five pounds.

18. All voting shall be by ballot, and separate boxes shall be provided for the reception of the separate tickets for each office to be filled; if in sorting the votes it shall be found that the name of the same person be more than once entered in the same ballot, or if any ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be elected to such office, all such ballots shall be rejected and destroyed.

19. The Court for nomination of candidates or persons proposed at any election, shall be opened at nine o'clock in the forenoon by the officer appointed to hold such election, and the poll shall open at ten o'clock in the forenoon, and shall continue open until four o'clock in the afternoon of the same day, unless sooner closed as hereinafter provided; the name of each elector voting shall be written in poll lists to be kept by the presiding officer, and after finally closing the poll the said officer shall forthwith, in the presence of the candidates, proceed to ascertain, and immediately after publicly declare, the number of votes given for each of the candidates or persons for whom votes have been given, and he shall also then publicly declare the person or persons having the majority of votes to be duly elected: The presiding officer, whether otherwise qualified or not, shall give a casting vote in cases when it may be necessary to determine the election.

20. The presiding officer shall not be bound to keep the poll open until four o'clock in the afternoon in any case when no more candidates have been proposed than may be necessary to be then elected, but in such case he may immediately after

ten o'clock in the forenoon close the poll, and declare such candidate or candidates to be duly elected: If no vote shall be polled or offered during any one hour after twelve o'clock, the presiding officer shall close the poll at the expiration of such hour, and proceed to ascertain and examine the votes and declare the persons elected, in the manner hereinbefore directed.

21. Every officer holding any such elections shall be a peace officer on that occasion, and shall have power and authority to maintain order and preserve the peace, and all persons are required to aid and assist him therein, and every person neglecting or refusing to give such aid and assistance when thereunto required, shall be guilty of a misdemeanor; and if any person shall disturb the peace and order at any such election, or in anywise interrupt the poll or the business thereof, or wilfully obstruct or threaten any person coming to vote, the presiding officer may on view, or on oath of one credible witness, (which oath the said officer is hereby empowered to administer,) forthwith order such person into custody, or commit him to prison by warrant in writing, directed to the Sheriff or his Deputy, or to any Constable within the City, which warrant shall be forthwith obeyed under a penalty not exceeding ten pounds; such restraint or imprisonment shall not continue more than forty eight hours after the close of the poll, and the person so guilty of such disorderly conduct or of disturbing or interrupting the poll, shall be liable, notwithstanding such restraint and imprisonment, to be otherwise prosecuted and punished as if no such arrest had been made.

22. The presiding officer shall immediately after the election make a return to the City Clerk of the name or names of the persons declared by him duly elected; and in case of the election of Mayor, a certificate of such election, under the hand of the City Clerk, shall be forthwith transmitted to the Office of the Provincial Secretary.

23. The poll lists kept at every election, and the receipts delivered in by the electors, shall on the day next after such election, (unless such be Sunday, Christmas Day, or Good Friday, and then on the day next thereafter,) be delivered by the presiding officers to the City Clerk, to remain in his office, where they shall be open for inspection to any elector on the payment of one shilling.

24. If any candidate or duly qualified elector be dissatisfied with the decision of the presiding officer in any election for Mayor, Councillors, or Assessors, such candidate or elector shall, within ten days after such election, make application in writing, through the City Clerk, to the City Council, setting forth the cause of complaint, and demanding an investigation thereof; and the City Council, on notice in writing from the City Clerk, shall assemble and examine and determine such complaint without delay; but the Mayor or Councillors whose return or seat is in dispute, shall not vote on the examination of such complaint.: If it shall appear to the City Council, by satisfactory evidence, that any person has been returned, and is serving as Mayor, Councillor, or Assessor, contrary to the provisions of this Act, the City Council shall declare his election to be void, and shall direct a new election to be held to supply his place.

25. Every person elected to the office of Mayor, Councillor, or Assessor, within five days after receiving notice of his election, shall accept the office to which he shall be so elected, and take the oath of office, under a penalty of ten pounds currency for non-acceptance of the office of Mayor, or of five pounds for non-acceptance of the office of Councillor, or of three pounds for non-acceptance of the office of Assessor. The election to any of the said offices shall be held *prima facie* evidence of qualification on the part of the person so elected, unless he shall make affidavit before the Mayor for the time being, or before any Justice of the Peace for the County of York, that he is not possessed of the qualification required by this Act in some particular, to be stated in such affidavit.

26. If any person duly elected to the office of Mayor, Councillor, or Assessor, shall neglect or refuse to accept the same within the time limited, and to take the oath of office, the said office shall be deemed vacant, and shall be filled up by a new election to be made in the manner hereinafter provided.

27. The Mayor, Councillors, and Assessors, before entering upon the duties of their offices respectively, shall file with the City Clerk the assessment receipts received by them severally from the City Treasurer or Collector of Rates as hereinbefore provided, and shall also severally be sworn or make affirmation by taking and subscribing the oath of office as hereinafter

prescribed ; such oath or affirmation shall be administered to the Mayor by the Lieutenant Governor in the presence of two members of the City Council, or in case of his sickness or absence, by a Judge of the Supreme Court, or by the Secretary of the Province ; the oaths or affirmations shall be administered to the Councillors and Assessors by the Mayor, being himself first qualified as aforesaid ; and a certificate that such oaths or affirmations have been duly made or taken shall be entered by the City Clerk in the Minutes of the City Council.

28. The Mayor, Councillors, and Assessors respectively, shall take the following oath of office :—

‘ I, do swear (or affirm, *as the case may be,*) that I
‘ am qualified, as by Law required, for the office of to
‘ which I have been elected ; that I am a British subject of the
‘ age of twenty one years ; that I am seized and possessed of
‘ property to the value of at least two hundred and fifty pounds
‘ currency, within this City, and that I will diligently, faith-
‘ fully, and impartially, and to the best of my ability, discharge
‘ the several duties which appertain to the said office of
‘ while I hold the same.—So help me God.’

29. Every person duly elected to the office of Mayor and accepting the same, by taking the prescribed oath, shall remain in office as such Mayor until he die, resign, or become disqualified as hereinafter provided, or until another person be sworn into office in his stead ; and if any person holding the office of Mayor be re-elected thereto, it shall not be necessary for him to be again sworn into office.

30. If any person shall be elected as Councillor for more than one Ward of the City, he shall within three days after receiving notice thereof, make his selection and declare for which Ward he will serve, or, on his default, the Mayor shall declare for which Ward such person shall serve as Councillor ; and thereupon such person shall be held to have been elected in that Ward only and in no other, and another election shall thereupon be held in the Ward or Wards for which such person shall not have been selected or not have been declared elected to serve, as in other cases of extraordinary vacancies.

31. If any person holding the office of Mayor or Councillor shall be declared a Bankrupt, or shall apply to take the benefit

of any Act for the relief of Insolvent Debtors, or shall compound with his creditors by deed or other writing, or shall remove his place of residence without the limits of the City, or shall be absent from the City or from the meetings of the City Council for more than two months at any one time, (except in cases of illness, or by leave of the City Council,) such person shall immediately be disqualified, and shall cease to hold his said office, and his place shall be filled up by a new election; and in the case of such absence, he shall be liable to the same fine, to be recovered and applied in the same manner as if he had neglected or refused to accept the said office as hereinbefore mentioned.

32. The Mayor, Councillors, and Assessors, at any time after having taken the oath of office, may resign such office upon the payment of a fine of ten pounds in case of the resignation of Mayor, and of five pounds in case of the resignation of Councillors or Assessors, unless excused from the payment of the same by the City Council.

33. If any vacancy shall happen by the death, resignation, or disqualification of the Mayor, Councillor, or Assessor, the Mayor, or in case of his absence, or if there be no Mayor, then any three of the Councillors shall, by order in writing, within ten days after the vacancy occurs, direct the City Clerk to give public notice as hereinbefore provided, of the time and place for an election to supply the said vacancy or vacancies, and such election shall be held in the manner provided in and by this Act.

34. The Councillors and Assessors shall severally go out of office on the day hereinbefore prescribed for holding the annual elections; but all officers whose term of office shall then expire shall be eligible for immediate re-election, if qualified in other respects.

35. The Mayor shall keep a Book in which shall be entered a record of all proceedings had before him as Mayor, or as a Justice of the Peace; which Book, and all other books, documents and papers relating to the business of the City, shall on his going out of office be by him handed over to his successor; and all moneys which may then be in his hands belonging to the City shall be immediately paid over to the City Treasurer, under a penalty not exceeding one hundred

pounds, to be recovered before any Court of competent jurisdiction.

36. There shall be in each year four quarterly meetings of the City Council, which shall be held on such days as shall be provided by any bye law.

37. The Mayor may call a special meeting of the City Council whenever he thinks proper, or upon requisition presented to him for that purpose signed by any three members of the Council: In case of the death, disqualification, resignation, or absence of the Mayor, or if he shall neglect or refuse to call a meeting upon such requisition, any three members of the said Council may call such meeting: Notices of all meetings shall be issued by the City Clerk, and addressed to each member of the City Council.

38. Notice in writing of all special meetings of the Council shall specify the business to be transacted thereat, and shall be delivered to or left at the usual place of abode of every member of the Council one day at least before the day appointed for such meeting: If all the members of the Council be present at any such meeting, the Council shall then be competent to deal with any matter of business, whether mentioned in such notice or not.

39. In all meetings of the City Council, six members, with the Mayor or Chairman, shall constitute a Court for the transaction of business; and a majority of the members present shall determine the questions and matters submitted for consideration: The City Clerk shall keep a Minute of the proceedings, in which he shall enter the names of the members present at the opening or during the continuance of such meeting; and the persons whose names have been so entered shall be deemed to be present until the meeting shall be adjourned or dissolved by the presiding officer; and the rules, orders, regulations, enactments and decisions of such meeting, shall be legal, notwithstanding some of the members may have withdrawn therefrom previous to such adjournment; at any adjourned meeting, six members of the Council, with the Mayor or Chairman, must be present at the commencement of the said adjourned meeting.

40. All meetings of the City Council shall be public: The Mayor, if he be present, shall preside, and in case of his absence,

the Councillors present shall choose one of their own number to act as Chairman and preside; the Mayor or Chairman so presiding shall not vote upon any question, except in case of equal divisions, when he shall have the casting vote.

41. The Minutes of proceedings of all meetings of the Council shall be entered in a Book to be kept for that purpose by the City Clerk, and shall be signed by the Mayor or Chairman presiding; such book shall be open to the inspection of any person on payment of a fee of one shilling to the City Clerk.

42. If at any meeting of the City Council any member thereof shall be guilty of grossly violent or improper conduct, or shall make use of language indecent or profane, or insulting to any member of the Council present, the Council, if seven members besides the offender be then present and concur in the sentence, may expel such offending Councillor from the City Council, or another meeting may be summoned to adjudicate upon the subject, the time and object thereof being previously notified in writing to every member, as in the case of other special meetings: If seven members, besides the offender, be present at such meeting, they shall have power, after due proof of the offence, (in such manner as may be determined at such meeting) to punish him by reprimand, fine, or expulsion, as any seven of the members then present shall think fit: In case of expulsion, the person so expelled shall cease to be a member of the City Council, and shall forfeit all rights, powers, and privileges enjoyed by him as such; and the Mayor shall immediately order a new election to supply the vacancy: In case a fine shall be imposed it shall in no case be more than five pounds, to be recovered, with costs, in the name of the City Treasurer, in a summary manner before a competent Court, in which a certificate, under the hand and seal of the City Clerk, shall be conclusive evidence of the defendant's liability; which certificate the said City Clerk shall furnish without fee.

43. Any meeting of the Council may be adjourned from day to day for three days in the whole, and no longer, except when Sunday, Christmas day, Good Friday, or any other Public Fast day, happens upon one of the days to which the Council might otherwise have adjourned, when they may adjourn over to the next day.

44. The City Council may appoint from their own body such Committees, consisting of such number of persons as they may

think fit, for the discharge of such business and duties as the Council may prescribe, subject in all things to the approval and control of the Council: In all questions coming before such Committees, a majority shall decide, provided a majority of the Committee be present.

45. The City Council at the first meeting after every annual election, or at any subsequent meeting, may appoint from time to time out of the inhabitants of the City, a City Clerk—who shall also be the Law adviser of the City Council, and whose duties and responsibilities in relation to the City, and to all the officers to be appointed within the same, shall in all respects be the same as the duties and responsibilities of the Clerk of the Peace of any County of this Province—an Auditor, a City Treasurer, a Commissioner of the Alms House, a City Marshal, a Wharfinger and Harbour Master, Trustees of Schools, and so many Inspectors and Weighers of Flour and Meal, Surveyors of Lumber, Constables, Surveyors of Roads, Collectors of Rates, Clerks of the Markets, Pound Keepers, Fence Viewers, and other officers, as may be necessary to carry out the powers vested in the City Council, and to remove or displace any of the said officers and appoint others in their stead, and to grant compensation to such officers for their services, and to define their duties, and their respective terms of office, which, except in the cases of the City Clerk and Treasurer, shall not be longer than one year unless they be re-appointed: The City Council may also impose penalties for the non-performance of duties, non-acceptance of office, or other misdoings of such officers.

46. No person shall be capable of acting in any office to which he may be appointed by the City Council, until he shall have been sworn or have affirmed before the Mayor that he will diligently, faithfully, and impartially, and to the best of his ability, discharge the several duties appertaining to the office, so long as he shall hold the same.

47. No person shall be capable of acting in any office or capacity accountable for the City revenues or any part thereof, until he shall have entered into a bond to the City, with two sufficient sureties to be approved by the City Council, in such form and for such penal sums as the Mayor shall approve or any bye law prescribe, conditioned to account

for and pay over to the City Treasurer all moneys received by him on behalf of the City : The City Treasurer, before entering upon the duties of his office, shall enter into a bond to the City, with two or more sureties to be approved by the City Council, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office, and duly accounting for all moneys received by him on account of the City.

48. The Inspectors and Weighers of Flour and Meal, and the Surveyors of Lumber, appointed by the City Council, having executed the bonds and taken the oaths respectively prescribed by the Revised Statutes, Title XVII, Chapters 94 and 96, shall have all the powers and be subject to all the regulations and penalties given to and imposed upon them respectively by such Chapters ; and the Constables appointed by the City Council shall have power to act in any part of the County of York, and shall have all the power of Constables appointed for the County.

49. The City Treasurer shall receive all rates, taxes, assessments, fines, penalties, imposts, or other moneys payable by the inhabitants of the City, or received under this Act, or of any bye laws to be made by the City Council.

50. The City Treasurer shall not pay out any moneys otherwise than upon an order in writing of the Council, signed by the Mayor, or in his absence by the Councillor presiding at the meeting when such moneys were ordered to be paid, and countersigned by the City Clerk, or City Auditor, as the Council may direct by a bye law.

51. No Councillor shall receive any moneys on account of any contract, work, or employment made, done, or performed by, or on behalf of, or by direction of the said Corporation ; but all moneys due by the said Corporation on any such account, shall be paid by the City Treasurer to the person or persons who shall have done such work, and who shall be entitled to such moneys, or to his or their order.

52. The City Council shall publish, for the information of the citizens, in one or more of the Newspapers published in the City, one month before the annual election of Mayor in each year, a full and detailed statement of the Receipts and Expenditure of the Corporation during the past year, in which statement the different sources of revenue and the amount

received from each; the several appropriations made by the Council, the objects thereof, and the amounts expended under each; the moneys borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified; together with the amounts of all assessments ordered and made, the several purposes of such assessments, the amount received thereunder, and a detailed account of the application thereof: such statements and accounts shall be made up to the thirtieth day of November preceding such publication, and be signed by the Mayor and City Auditor.

53. All Boards, Commissioners and Officers appointed by the City Council, and entrusted with the collection or expenditure of any moneys belonging to the Corporation, shall be accountable therefor to the City Council, in such manner as may be directed by the bye laws and ordinances of the City Council; and the books of account of the Corporation, shewing the amounts, particulars, and state, and also the receipt and expenditure of the property, funds, taxes, and effects belonging and accruing or payable to the said Corporation or any of its officers, shall be deposited and kept in the office of the City Clerk, and shall be open to the inspection of every elector of the City, during the usual office hours, on payment of one shilling for every such inspection.

54. The City Council, in addition to the general powers of making bye laws for the good government of the City, and the other powers incident thereto specially confirmed by this Act, shall have the sole power and authority, from time to time, to make, ordain, enact, revise, and alter and amend such laws as they may deem proper for the several purposes following, within the City, that is to say:—

1st. For regulating weights and measures in the public markets, and all other places within the City, according to the lawful standard, and to authorize the seizure and destruction of such as are not according to such standard:

2nd. To establish and regulate markets and fairs, and to grant licences to Butchers:

3rd. To regulate the manner of selling, weighing and measuring meat, fish, poultry, vegetables, fruit, grain, hay, straw, and fodder, and to grant licences for the due weighing and admeasurement thereof:

4th. To seize and destroy all tainted or unwholesome articles of food, and to punish persons exposing the same for sale within the City :

5th. To restrain and regulate the purchase of articles of food by hucksters and runners living within the City, less than one mile from the outer limits thereof :

6th. To regulate the measurement and weight of coal, lime, and salt, boards, cordwood and other fuel, clapboards, shingles, laths, and other lumber :

7th. To regulate the trade of Bakers, the assize of bread, and provide for the seizure of bread baked contrary thereto :

8th. To regulate the anchorage, lading, and unlading of Vessels and other craft, arriving at the said City :

9th. To regulate and provide for the erection, management, rent, and occupation of wharves, piers, landings, and docks, and the toll to be paid for Vessels, Steamboats, and other Boats touching thereat, or using the same, and for goods and merchandize placed thereon, and to prevent the filling up or encumbering the River Saint John within the said City, or impeding the free navigation thereof :

10th. To regulate and establish ferries within the limits of, and belonging to the City, and to prevent obstructions to ferry landings :

11th. To regulate carters, waggoners, and cartmen ; the price to be paid to them for hauling in the said City, and the quantity to comprise a load :

12th. To enforce the due observance of the Sabbath, and punish vice, immorality and indecency in the streets or public places within the City :

13th. To preserve peace, health, and good order, and to prevent the spreading of infectious or other diseases :

14th. To prevent cruelty to animals :

15th. To licence, regulate, or prevent bowling alleys or other places of amusements, and to restrain or suppress gambling houses, and to enter into them and seize and destroy all devices of gambling :

16th. To restrain and punish vagrants, drunkards, mendicants, and street beggars :

17th. To restrain or regulate the licencing of all exhibitions of natural or artificial curiosities, and all theatres, circuses, or other shows, for hire or profit :

18th. To establish and regulate pounds, and the fees to be taken thereat :

19th. To restrain, regulate, or prevent the running at large of horses, cattle, swine, goats, sheep, geese, and poultry, and to empound the same :

20th. To impose a tax on the owners or harbourers of dogs, and to establish a summary mode of recovering such tax ; to regulate and prevent dogs running at large, and to provide for killing such as are found running at large contrary to any law or bye law, after public notice given :

21st. To abate and cause to be removed all public nuisances, and all filth or encumbrances on the streets or elsewhere within the City :

22nd. To regulate the construction of privy vaults and sinks on private property :

23rd. To cause vacant lots in central situations to be properly enclosed at the expense of the owner, and to recover such expenses with costs in a summary manner :

24th. To regulate and prevent the erection or continuance of slaughter houses, distilleries, tanneries, and manufactories or trades which may be likely to become nuisances :

25th. To purchase, enclose, plant, lay out, and adorn any public square, park, or ground, for the use of the City, and to make rules for the management and preservation thereof :

26th. To prevent the injury of trees planted within any of the streets or public grounds of the City :

27th. To prevent immoderate driving or riding within the City :

28th. To establish bathing houses, and prevent or regulate bathing within the City :

29th. To regulate and licence owners of livery stables or other owners of horses or carriages letting out the same for hire, and also porters, hucksters, and pedlars :

30th. To establish and regulate a police for the City, and take up and arrest vagrants, and idle and disorderly persons, and order them to be set to work on the street or committed to the work house or common gaol for a term not exceeding ninety days at any one time :

31st. To provide for the erection or establishment and management of any house of refuge, hospital, work house, or house of correction in the City :

32nd. To erect, preserve and regulate public cisterns, reservoirs, pumps, wells, and other conveniences for the supply of water or for the extinguishing of fires, and to make reasonable charges for the use thereof :

33rd. To prevent or regulate the keeping or transporting of gunpowder, or other combustible or dangerous substances, and the firing of guns, the setting off of squibs, or other fire works :

34th. To prevent or regulate the use of fire, lights, or candles in stables, and in cabinet makers' and carpenters' shops, and in other places where combustible substances are kept :

35th. To regulate the carrying on of manufactures or trades dangerous in causing or promoting fires :

36th. To enforce the proper sweeping or cleaning of chimneys, and to regulate and require the safe keeping of ashes :

37th. To provide for the security, safety, and advantage of the inhabitants, by such rules, regulations, and restrictions as they may deem expedient, to be observed by all persons, in the erection of buildings to be built within the populous parts of the City :

38th. To regulate the construction of any chimney, flue, fire place, stove, oven, boiler, or other apparatus or thing, in any house, manufactory, or business which may be dangerous in causing or promoting fires :

39th. To appoint firewards and other officers connected with a fire department, and to make rules and regulations defining their powers and duties :

40th. To establish and regulate engine companies and other fire companies, and to grant exemptions and immunities to the officers and members thereof :

41st. To make regulations for preventing and suppressing fires, and enforcing the assistance of the inhabitants, and for pulling down or destroying houses, and remunerating the owners thereof in certain circumstances :

42nd. To regulate the management and provide for the security of the public property of every kind belonging to the said City, and to provide for the permanent improvement of the said City in all matters as well ornamental as useful :

43rd. To provide for the erection, preservation, and security

of lamps, lamp posts, sign boards, and other fixtures within the City :

44th. To make regulations for the trial of contested Elections :

45th. To provide for the expense of lighting the City, and to compel the proprietors or occupiers of real property to permit such work and fixtures as may be necessary for that purpose, to be done or placed in and about their premises at the expense of the City, and to provide for the erection of all works connected with such lighting : And generally, to make all such laws and ordinances as may be necessary and proper for carrying into execution the powers herein vested, or that may hereafter be vested in the said City Council, or in any officer or department of the same, subject to the limitations hereinafter prescribed.

55. The City Council may, by any bye laws, rules, or regulations, impose such fines and penalties, and ordain such forfeitures, as they may deem necessary for the non-observance or breach of any bye law, rule, or regulation, not to exceed in any case the sum of twenty five pounds.

56. The City Council shall have the sole and exclusive power to open, lay out, regulate, repair, and clean the streets, roads, lanes, alleys, squares, commons, and public landings now existing, or that may hereafter be found necessary within the City ; and to construct drains, sewers, culverts, and bridges therein, and to prevent the encumbering, injuring, obstructing, defacing, or encroaching upon the same in any manner ; and to make and ordain bye laws and regulations for the confiscation, sale, removal, or destruction of any such encumbrances, or any nuisance thereon ; and to impose penalties on the owners or persons placing the same thereon, and to recover the same as hereinafter provided ; and to regulate the breaking of the roads and streets of the said City in the Winter, and the putting of bushes in the ice in the River Saint John in front of the City ; and to provide for making or repairing any common sewer, drain, flagging, or pavement, in any street, highway, square, or place, and the making of any common sewer or drain through private property, and for assessing the proprietors or lessees of such real property as will be immediately benefited by such improvements, and to regulate the time and

manner in which such assessment shall be collected and paid ; for directing and causing the removal at any time of any erections, projections, or obstructions whatsoever, which may project into or over any street, square, or road, at the expense of the proprietors or of the occupants of the real property in or near which such erection, projection, or obstruction may be found ; but nothing herein contained shall authorize the opening of any street, road, highway, drain or sewer through the private property of any person, without paying the damages occasioned thereby, to be ascertained in the manner directed for that purpose by the Acts of Assembly relating to Highways then in force.

57. The City Council shall have the power to erect and build such wharves and piers in the River Saint John, within the limits of the City, as they shall think necessary ; but they shall not interfere with or impose any restrictions upon the lading, unloading, or mooring of vessels or boats on the northeastern shore of the said River, or within five hundred feet from the line of low water mark therein, except to prevent the obstruction of any public landing ; provided that nothing herein contained shall impair or diminish the municipal rights of the said City within the limits thereof, or the power to regulate ferry boats landing on the said northeastern shore.

58. No person shall be permitted to exercise or carry on the business of an Auctioneer within the limits of the said City until he shall have first taken out a licence therefor, and paid such sum as the City Council may direct or impose.

59. The City Council may direct the assessing, levying, collecting, and applying such moneys as may be required for the execution of the powers vested in the City Council, in such manner as may be provided by any bye law of the City, either by imposing tolls and rates to be paid in respect of any public works or of other thing within the City, or by means of any rate or assessment to be assessed and levied on real or personal property, or both, within the City ; or upon the owners or occupiers thereof in respect of such property, or upon the income of the inhabitants of the City derived from any trade, profession or calling within the Province, or upon the poll of the inhabitants ; or upon the sale of goods by public auction within the said City, or upon the capital stock or other trading

capital of any Bank, Banking Company, Insurance or other trading or joint stock Company or Corporation, or upon the Agencies of Foreign Companies whose principal place of business is not within the Province.

60. The property in, and the inhabitants of that part of the City lying in rear of the line dividing the second and third ranges of pasture lots, and its prolongation southeasterly to the River Saint John, and northwesterly to the prolongation of the upper or northwesterly side line of land heretofore granted to Samuel Ferris, and above the said last mentioned line and its prolongation northeasterly to the said River, shall be exempt from taxation under this Act, except for the support of the poor, making and repairing streets and highways, and the administration of justice; the Council may also remit so much of the rates imposed upon mills and other manufacturing establishments within the City, as they shall deem just and reasonable; provided also, that the property of any Literary, Religious, Ecclesiastical, or Eleemosynary Society, Corporation, or Institutions, shall be exempt from any assessment under this Act.

61. Immediately after the Assessors are sworn into office they shall give public notice thereof in one or more of the Newspapers printed in the City; and any person assessed in the City, may within fourteen days after the publication of such notice, give to the said Assessors a statement under oath before the Mayor or a Justice of the Peace of his property and income, in the manner prescribed by the Revised Statutes, Title VIII, Chapter 53, Section 20, and such person shall be rated accordingly: The Assessors, at the expiration of fourteen days as aforesaid, shall assess or appraise the real and personal estate of the inhabitants of the City, and of non-residents having property therein, and the income of the said inhabitants derived from any trade, profession, or calling within the Province, but not from real or personal property, and shall file with the City Clerk a roll or list of such assessment, to be prepared in such form as the City Council may determine.

62. For the purposes of assessments every person carrying on business in the City shall be deemed an inhabitant thereof, and the President or other chief Officer, or the Cashier, Agent,

or Manager of any Company or Corporation, shall be deemed and be assessed as the owner of its capital stock, but such assessment shall be made separate and distinct from the personal assessment of such President, chief Officer, Agent or Manager: The name, style or form of any co-partnership in trade or business, shall be entered in the assessment roll as assessed for the property or income of such co-partnership, and the amount assessed may be recovered from and levied upon any member of such co-partnership; and in case of mortgaged property, the party in possession shall be deemed the owner for the purposes of assessment.

63. The construction of the terms 'Real Estate' and 'Personal Estate,' shall in all respects be the same as prescribed in the Revised Statutes, Title VIII, Chapter 53.

64. Whenever the City Council order any sum of money to be raised by rates or assessment upon the City, they may appoint one or more of the Assessors then in office to make the apportionment of such rates according to the list filed by the Assessors with the City Clerk.

65. The City Council may regulate by a bye law the time and manner of collecting the rates upon any assessment, and allow a reasonable discount for the prompt payment of such rates before the list or book is placed in the hands of the Collector, and may establish a summary method for recovering the rates due from defaulters; but no execution shall issue against any such defaulter until at least ten days after a printed or written notice shall have been delivered to such person, or left at his dwelling house or last known place of abode, either with his wife or some adult member of his family, if any such can be found; which notice shall contain a statement shewing the several amounts assessed or rated against such person, and the time at which the same is to be paid; nor until the default shall be made to appear by the affidavit of the Collector, or other testimony, on oath.

66. No person who may be imprisoned for default in the payment of rates, shall be detained more than one day for every two shillings of the amount directed to be levied, nor more than fifty days in the whole, if the amount exceed five pounds, at the expiration of such time he shall be discharged, but the execution shall remain in force against his property

for two years from the date thereof; no person so imprisoned shall be entitled to the benefit of the gaol limits.

67. When any person assessed as a non-resident shall have a clerk or agent in the City, the notice of assessment may be delivered to such clerk or agent; if such non-resident shall not have any such clerk or agent, the City Clerk shall cause a list to be published in a Newspaper printed in the said City, containing the names of all such non-residents, and the amounts due from them respectively; such publication shall be continued for three months, excepting the names of those who may sooner pay the amounts due from them with their respective proportions of the expenses.

68. The Collector at the end of such three months' publication or delivery of the notice to a clerk or agent as aforesaid, shall make application to the Mayor, setting forth under oath the assessment and default: The Mayor shall, by Warrant under his hand and seal, direct the Sheriff, or a Coroner of the County of York, to sell at public auction to the highest bidder, first giving thirty days notice of such sale in a Newspaper printed in the said City, so much of the real estate of the person named in such Warrant, as in his judgment may be sufficient to pay such assessment, with all the costs and charges attending the recovery thereof, retaining the overplus, if any, for the use of the owner; the said Sheriff or Coroner shall make such sale and execute a deed to the purchaser of such property, his heirs and assigns, and deliver seizin and possession thereof.

69. Any person believing himself over assessed or otherwise aggrieved by any assessment within the City, or the agent of any non-resident, may appeal to the City Council within twenty days after notice of assessment given as hereinbefore provided: The City Council shall give such relief as they shall deem just and equitable, by ordering a deduction to be made from the amount assessed, if the same has not been collected, or if collected to be repaid to the appellant.

70. Any rate or assessment with which any lands, tenements, or hereditaments in the City may be legally rated or assessed, may be levied and recovered either from the owner of the property so rated or assessed, or from any person occupying the same, or any part thereof, as a tenant or otherwise; and

when any such rate or assessment shall be paid by any tenant not liable therefor by the terms of lease or agreement under which he holds or occupies such property, he may deduct or set off the sum so paid from the rent payable by him for such property, or may recover the same with cos's from the said owner by action in any competent Court.

71. All debts that become due and payable to the said Corporation for any rate or assessment in the City, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to the Crown, and shall, in the distribution of the proceeds of property of any person liable for such debt, be so held and adjudged in all Courts in this Province; such preference shall not extend beyond the amount due for two years, that is to say, the amount due for the then current year and the year next preceding.

72. If property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted in the assessment list, or if any error shall occur in the addition, extension or apportionment of any part of the said list, the Assessors may correct such errors and supply such omissions at any time before another assessment is made for a similar purpose.

73. No assessment shall be deemed illegal although the aggregate amount thereof may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent.

74. All the powers vested in the Court of General Sessions for the County of York, or in the Municipal Council of the said County, by any Acts of the General Assembly of this Province enacted or to be enacted, for regulating Tavern keepers and wholesale dealers, or the sale of intoxicating liquors, shall be transferred to and vested in the City Council, so far as such laws may be applicable to the City of Fredericton; and the Mayor and each Councillor for the time being shall have power and authority to do any act or thing in respect of the said Acts within the said City, which are in the said Acts directed or permitted to be done by a Justice of the Peace: All penalties or fines recovered within the City for violation of the said laws, and all moneys exacted for granting licence under any of the said Acts, shall be paid to the City Treasurer for

the use of the City: No General or Special Sessions, or the Municipality for the County of York, shall grant any such licence, or make any rules or regulations respecting the same, to be in force within the City.

75. All the rights, powers and authority which at any time were vested in the Justices of the County of York by an Act passed in the ninth year of Her present Majesty's Reign, in respect of certain lands in the City which were exchanged with the Ordnance Department, and by another Act passed in the tenth year of the same Reign, in respect of the same lands, shall be and they are hereby transferred to the City Council, who shall have, enjoy, and use the same, in as full and ample a manner as could have been done by the said Justices, if this Act had not passed; and all leases or other agreements in respect of such lands made by the said Justices, shall be deemed to be made by the authority of the City Council, without any assignment thereof or attornment to the City Council.

76. All lands in the City which have not heretofore been granted by Her Majesty or Her Royal predecessors to any person or body corporate, or reserved by the Crown for any special purpose, are hereby vested in the Corporation of the City of Fredericton in as full and ample manner as if the same had been conveyed by grant from Her Majesty; but no prescriptive appropriation or user or reputed user of any tract of land within the City by the inhabitants for a road or common, shall be affected by this Act.

77. The Municipality of the County of York and the City Council shall annually agree upon the amount to be paid by the City towards the expense of administering Justice in the County, which for the City shall not exceed the proportion that the population of the City bears to that of the County; and the City Treasurer shall pay over to the Treasurer of the Municipality the amount that may be so determined.

78. The Grand Jury of the County of York shall also be the Grand Jury or Inquest of the City.

79. The High Sheriff and the Registrar of Deeds and Wills for the County of York, and such of the Coroners of the said County as shall be resident in Fredericton, shall be respectively High Sheriff, Registrar of Deeds and Wills, and Coroner

or Coroners for the City ; and the Common Gaol of the County of York shall be the Common Gaol of the City.

80. In all matters of a criminal nature the jurisdiction of the Court of General Sessions, and of Justices of the Peace, and of the Grand Jury as Grand Inquest of the County, shall continue in full force in the City, except in cases where by this Act the cognizance of such criminal matters has been vested in the Corporation or in some of its officers ; but the said General Sessions, Justices, or Jurors, shall have no power to interfere with any of the fiscal or municipal affairs of the City.

81. The Mayor, during his continuance in office, shall be a Justice of the Inferior Court of Common Pleas in and for the County of York, and shall have and use all the powers and privileges incident to such office.

82. The Mayor, during his continuance in office, shall be, within the limits of the said City, a Justice of the Peace for the County of York, and shall have and exercise the same powers and authority within the said City as if he had been nominated and commissioned a Justice of the Peace, provided always that his authority as such Justice shall not in any matter, civil or criminal, extend beyond the limits of the said City.

83. The several Councillors of the City, while in office, shall also be Justices of the Peace within the said City, in the same manner and to the same extent as is provided in the case of the Mayor.

84. The City Council may order such amount of salary to be paid to the Mayor (not exceeding fifty pounds per annum) as they may see fit ; and all fees or costs accruing from the performance of his duties as Mayor shall be paid to the City Treasurer for the use of the City.

85. All fines, penalties, and forfeitures to be recovered by the provisions of this Act, or of any bye law now in force, or to be made and enacted under the authority hereof, shall and may be sued for, recovered, and enforced on the oath of one or more credible witness or witnesses, before the Mayor of the City, or in case of his absence from the City, or inability to attend from any other cause, before any two of the Councillors of the City ; and all such fines, penalties, and forfeitures may be recovered, with the costs of prosecuting the same, to be charged in accordance with the Revised Statutes, Title XLI,

Chapter 163, ' Fees on summary convictions before Police and other Justices,' and in default of payment of such fines, penalties, or forfeitures, with the costs of prosecution, the same may be recovered either by a warrant of distress of the offender's goods and chattels, under the hands of the Mayor or Councillors presiding, or by commitment of the offender to the common gaol or house of correction for any period not exceeding six months, as the Mayor or Councillors may direct.

86. All complaints, suits, and prosecutions, shall be prosecuted by summons or warrant, in the discretion of the said Mayor or Councillors, in the name of the City Treasurer; and the proceedings shall be conducted in a summary way, and regulated by the provisions of any Act now or which may hereafter be in force regulating summary proceedings or summary convictions before Justices of the Peace, so far as the same are applicable to the provisions of this Act; and judgment shall be given according to the very right of the matter, without regarding technical objections, imperfections, or defects, which do not affect the substantial justice of the case: All fines, penalties, and costs imposed by virtue of this Act, or any bye law of the said Corporation, shall, on the first Monday in each month, be paid over to the City Treasurer, and a detailed account thereof, under oath, shall at the same time be filed with the City Treasurer by the Mayor or Councillor paying such moneys, which oath any Justice of the Peace may administer.

87. In any action or other proceeding at law or in equity in which the said Corporation shall be a party, or in any manner interested, no citizen or officer of the said Corporation shall in consequence thereof be deemed an incompetent witness or juror, but the objection shall go only to his credibility.

88. The City Council shall have power to borrow a sum not exceeding five hundred pounds for the purpose of paying the present debt of the City, and to give a bond or bonds, or other security or securities, for the payment of the same.

CAP. IX.

An Act relating to the Boundary Line between the Provinces of New Brunswick and Nova Scotia.

Boundary Line defined.

Passed 13th April 1859.

BE it enacted and declared by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—The Line of division between the Provinces of New Brunswick and Nova Scotia, as defined by the Commissioners appointed for that purpose, shall be and is hereby declared to be as follows, that is to say: Commencing at the Mouth of Missiquash River in Cumberland Bay, and thence following the several courses of said River to a post near Black Island; thence north fifty four degrees twenty five minutes east, crossing the south end of Black Island, two hundred and eighty eight chains, to the northerly angle of Trenholm Island; thence north thirty seven degrees east eighty five chains and eighty two links, to a post; thence north seventy six degrees east forty six chains and twenty links, to the portage; thence south sixty five degrees forty five minutes east three hundred and ninety four chains and forty links, to Tidnish Bridge; thence following the several courses of said River along its northern upland bank to its Mouth; thence following the northwesterly channel to the deep waters of the Bay Verte, giving to Nova Scotia the control of the navigable waters and Tidnish River; but nothing in this Act shall in any way affect any suits at law pending for or in respect of lands which have heretofore been deemed within the Province of New Brunswick.

CAP. X.

An Act to amend the Act for the encouragement of Agriculture, and to provide for the establishment of a Provincial Board.

Section.

1. Provincial Board of Agriculture incorporated.
2. Who shall be members.
3. Transmission of certificate of election.
4. Quorum for business.
5. When members to be elected.
6. Meetings for business.
7. Election, duties and salaries of officers.
8. Annual Report for Legislature.
9. Supervision of local Societies.

Section.

10. Appropriation for expenses.
11. Triennial exhibition of agricultural products and manufactures.
12. Incorporation of local Societies.
13. Drawing of money for local Societies.
14. Revision of bye laws of local Societies.
15. Accounts and Reports of local Societies.
16. Evidence of incorporation.
17. Act 17 V. c. 7, in part repealed.

Passed 13th April 1859.

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

1. There shall be a Provincial Board of Agriculture, which shall be a body politic and corporate, and by that name have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.

2. The Provincial Board of Agriculture shall consist of a member from each County to be elected in the manner hereinafter provided, three members to be appointed by the Governor in Council, and one to be appointed by the Board; every member so elected or appointed shall continue to be members until others are elected or appointed in their stead.

3. The certificate of the first election of members of the Provincial Board shall, immediately after such election, be transmitted to the Provincial Secretary, and all subsequent elections to the Secretary of the Provincial Board.

4. Five members of the Provincial Board shall form a quorum for the transaction of business.

5. The members of the Provincial Board shall be annually elected on or before the thirty first day of December in each year, by the Agricultural Society of each County, in such manner as the Society may prescribe; if there is more than one Society in any County, the President and Vice Presidents of the several Societies shall elect the member: If any County fails to elect, the Governor in Council shall appoint one of the Representatives for such County in the General Assembly a member.

6. The Provincial Board shall annually meet during the Session of the Legislature for the transaction of business, and oftener if required.

7. The Provincial Board shall elect a Chairman, and appoint a Secretary, who shall be a member of the Board, and any other necessary officers, define their duties, and fix their salaries.

8. The Provincial Board shall annually report a statement of their doings, a digest of the returns of the several Agricultural Societies, with such statistics as they may be able to collect, accompanied with such suggestions and recommendations as the interests of Agriculture may appear to require,

together with a detailed account of the expenditure, for the purpose of being laid before the Legislature, and shall cause the same to be printed at the expense of the Government, and ready for circulation within ten days after the opening of the Legislature.

9. The Agricultural Societies in the different Counties shall be subject to the supervision and control of the Provincial Board, and shall account thereto; and the Provincial Board shall from time to time make rules and regulations for the government of such Societies.

10. A sum not exceeding two hundred pounds shall be allowed annually to defray the expenses of the Provincial Board, which shall be drawn by Warrant of the Governor in Council on the Treasury, on the certificate of the Secretary.

11. The Provincial Board shall at such time as they shall appoint, and once in every third year thereafter, provide for the holding of an exhibition of agricultural products and manufactures, and the expense of which, to the extent of seven hundred and fifty pounds for every such exhibition, shall be paid from the Treasury, by Warrant of the Governor in Council, on the certificate of the Secretary.

12. Any number of persons not less than forty, who shall each subscribe at least five shillings, and the sum of fifteen pounds or more in the whole, and in all other respects comply with the provisions of the first Section of 'An Act for the encouragement of Agriculture,' passed in the seventeenth year of Her Majesty's Reign, so far as they are applicable, shall be and are declared to be a body corporate, and entitled to all the privileges and immunities of a Society of sixty persons formed as in that Section is prescribed.

13. No money shall hereafter be paid to any County or District Society under the provisions of the third and fourth Sections of 'An Act for the encouragement of Agriculture,' passed in the seventeenth year of Her Majesty's Reign, unless the Secretary of the Provincial Board certify to the Governor the amount such Society is entitled to, and the apportionment shall be made in the manner therein prescribed by the Provincial Board.

14. Every County or District Agricultural Society shall transmit to the Secretary of the Provincial Board a copy of its

bye laws, and the Provincial Board may within twelve calendar months thereafter disallow the same, or any of them.

15. The Treasurer of every County or District Agricultural Society shall annually transmit to the Secretary of the Provincial Board, a copy of the detailed statement of the amount of income and expenditure of the Society, provided in the eighth Section of the Act for the encouragement of Agriculture, and the report and estimate required by the ninth Section of the said Act.

16. Whenever on the trial of any issue joined it may be necessary to prove the incorporation of any County or District Agricultural Society, proof that the defendant dealt with the Society as a Corporation, or a certificate of the Provincial Secretary, or the certificate of the Secretary of the Provincial Board, or of the Secretary of the County or District Society, that the returns required by the Act for the encouragement of Agriculture have been duly made, shall be evidence of the legal existence of the Corporation; and the Provincial Board of Agriculture shall, without further proof, be deemed to be legally incorporated.

17. So much of 'An Act for the encouragement of Agriculture,' as is inconsistent with any of the provisions of this Act, shall be and is hereby repealed.

CAP. XI.

An Act relating to the Great Roads.

Section.

1. Specification of Great Roads.
2. Repeal of certain Acts.

Section.

3. Commencement of Act.

Passed 13th April 1859.

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

1. In addition to the Great Roads provided by Chapter 65, Title IX, of the Revised Statutes, 'Of the Great Roads,' the Roads hereinafter described shall be Great Roads of communication throughout the Province:—

From Fredericton, through the Douglas Valley, to the Nerepis Road:

From Fredericton to Peabody's Mills on the Rushagonis, thence to Hartt's Mills, thence through the Douglas Valley, so called, to the Church on the Nerepis Road:

From Chatham to Escuminac Light :

From Chatham to Black River, on the Great Road to Richibucto, following the said Great Road, thence following the northerly bank of Black River, crossing its main branch, to Bay du Vin River, thence crossing M'Innes' Creek, Dennis Creek, John O'Bear's Creek, Fel and Portage Rivers, running through Escuminac Plains, near Escuminac Light House, to the County line :

From David Taylor's in Albert, to M'Latchey's in Hillsborough :

From the Great Road leading from Salisbury to Hopewell near David Taylor's, thence following the course of the Petitcodiac River downwards to Turtle Creek, thence to the Bend, thence crossing Mill Creek, Mud Creek, and Smith's Brook, to Smith's Village, thence to Stoney Creek, thence by the right bank of the Petitcodiac to the Great Road in Hillsborough, near M'Latchey's :

From Hopper's in Coverdale, to Elgin Corner :

From Hopper's at the Great Road near the outlet of the Coverdale River, up the south side of the Petitcodiac River, to the Pollet River, thence up the right bank of the Pollet River to Thomas Colpitt's, thence crossing the Pollet River to Elgin Corner :

From Teakle's Mills in King's, to Elgin Corner :

From the Great Road leading from Saint John to the Nova Scotia Line, by Teakle's Mills, up the northern bank of the Kennebecasis River, to George Jonah's, thence to Stevens', crossing the River, thence through the Middle Land Settlement to Elgin Corner :

From Bellisle to the Great Road leading from Saint John to the Nova Scotia Line, near A. B. Smith's :

From Shediac to Cape Tormentine :

From the Great Road in the Parish of Shediac, crossing Scadouk River, to the Railway Station, thence down the Gulf Shore, through the French Settlement, to the Aboushagan Stream, thence following the Shore, and crossing the Tedish, Shemogue, and other small Streams, to Cape Tormentine :

From Salisbury Corner to the Grand Lake :

From Salisbury Corner to North River, thence over the upper part of Butternut Ridge to New Canaan, thence by the

Head of the Grand Lake to the Road leading from Fredericton to Richibucto :

From Chatham to Newcastle :

From Chatham, on the south side of the Miramichi River, to the Ferry Landing opposite Newcastle ; also from the Landing at Newcastle to the Great Road leading from Fredericton to Newcastle :

From the Great Road in Addington to Upsalquitch :

From the terminus of the present Great Road on the Restigouche River, running up the right bank of the said River, to the Mouth of the Upsalquitch :

From the Upsalquitch to the Tom Kedgewick :

From the Mouth of the Upsalquitch, up the south side of the Restigouche River, to the Tom Kedgewick :

From the Great Road at Inkerman to Shippegan Harbour :

From the Great Road leading from Miramichi, via Pokemouche, to Bathurst, thence crossing the south branch of the Pokemouche River, to Shippegan Harbour :

From the River Saint John, on the north side of the Tobique, to Campbelltown :

From the River Saint John, on the north side of the Tobique, following the general course of the Tobique to the Forks, crossing the Nictau or Little Tobique, so called, and recrossing at the outlet of the Nictau Lake, thence to the north west Branch of the Upsalquitch, thence to the Forks, thence in a direct line to Campbelltown, crossing the south east Branch of the Upsalquitch :

From Jouett's Ferry to Whitehead's :

From Jouett's Ferry, on the eastern side of the River Saint John, to Whitehead's in the County of Victoria, and connecting with the Great Road from Tobique to Campbelltown :

From Kingston to the Fredericton and Richibucto Road, near Pine's, on the south side of the Richibucto River, by Alexander Robertson's, thence by way of the West Branch and Coal Branch to the Great Road leading from Fredericton to Richibucto, near Pine's :

From the Gaspereau to the South West Bridge, Miramichi :

From the Mouth of the Gaspereau River, crossing Cain's River and Muzroll Brook, so called, to the South West Bridge on the River Miramichi :

From Moore's Mills to the Woodstock Road :

From Moore's Mills in Saint James', by Sherman's Mills, and through the Baillie Settlement, to the Woodstock Road :

From the Lower Trout Brook Bridge on the Great Road between Saint Andrews and Fredericton, by the Second Falls of the River Magaguadavic, on the western side of the said River, to Young's Bridge, so called, thence crossing the River, and extending on the eastern side of the same, to the Town of Magaguadavic.

2. When this Act comes into operation, the thirteenth paragraph of Chapter 65 of the Revised Statutes, 'Of the Great Roads,' describing the thirteenth Great Road in the said Chapter; also the twenty sixth paragraph of the said Chapter, describing the twenty sixth Great Road; also an Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act to alter the line of the Great Road from the Lower Trout Brook Bridge to the Town of Magaguadavic*; and an Act made and passed in the twenty first year of Her present Majesty's Reign, intituled *An Act to authorize the establishment of a Great Road leading from the Mouth of Gaspercau River, in Queen's County, to the South West Bridge on the Miramichi River*, be and the same are hereby repealed.

3. This Act shall not come into operation or be in force until the first day of November next.

CAP. XII.

An Act to provide for defraying certain expenses of the Civil Government of the Province.

Section.

1. Moneys granted.

Section.

2. How to be drawn.

Passed 13th April 1859.

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

1. There shall be granted to His Excellency the Lieutenant Governor, the several sums of money hereinafter mentioned, to provide for defraying certain expenses of the Civil Government of the Province :—

A sum not exceeding five thousand six hundred and sixty five pounds to provide for the Officers and Contingent expenses

of the Legislature, including the Library, Printing, and expenses of holding the Elections.

A sum not exceeding one hundred and ten pounds to provide for the Clerk of the Crown and Usher of the Supreme Court.

A sum not exceeding three thousand and twenty seven pounds ten shillings to provide for certain Educational purposes.

A sum not exceeding one hundred and fifty pounds for the encouragement of the erection of Oat Mills.

A sum not exceeding eighty pounds for the protection of the Fisheries.

A sum not exceeding seven thousand two hundred and twenty seven pounds to defray the expense of the collection and protection of the Revenue, and of the Controller and Customs Department.

A sum not exceeding one thousand five hundred pounds to provide for the Provincial Penitentiary.

A sum not exceeding four thousand pounds to provide for the expense of the Lunatic Asylum.

A sum not exceeding six hundred pounds to provide for the maintenance of the Tracadie Lazaretto.

A sum not exceeding one hundred and eighty pounds to provide the usual allowance for certain old Soldiers of the Revolutionary War.

A sum not exceeding three hundred pounds for the relief of the Indians.

A sum not exceeding five hundred pounds for the encouragement of Immigration.

A sum not exceeding one thousand pounds to meet certain unforeseen expenses during the current year.

2. The several sums of money aforementioned shall be paid by the Treasurer, by Warrant of His Excellency the Lieutenant Governor in Council, out of moneys now in the Treasury or as payment may be made at the same.

CAP. XIII.

An Act to provide for the repair and improvement of
Roads and Bridges, and other Public Works and
Services.

Section.

1. Moneys granted.
2. By whom, and how to be expended and accounted for.
3. Accounts by Municipal Commissioners.
4. Moneys how to be drawn from Treasury.
5. Compensations.

Section.

6. Money where to be expended ; and
7. On what Roads.
8. Bonds to be given.
9. Commissioners in arrear not to be reapointed.

Passed 13th April 1859.

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

1. There shall be granted to His Excellency the Lieutenant Governor, the sum of money hereinafter mentioned, to provide for the improvement of the Roads and Bridges, and other Public Works and Services :

A sum not exceeding thirty five thousand three hundred and fifty pounds, to provide for the repairs of the Great and Bye Roads of the Province, and the Bridges thereon, for the repairs of the Public Buildings, and the improvement of the Navigation of the Rivers Saint John, Miramichi, and Renous, and for Steam Navigation.

2. The said sum of money, and every part thereof, shall be expended under the direction of the Board of Works, and of such Supervisors and Commissioners as the Governor in Council may 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, Bridges, and Works, or in furnishing materials therefor, at the most reasonable rate that such labour and materials can be provided where such sums are expended on Roads, Bridges, or Works ; 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 notices 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 the time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of the Commissioners to agree with fit and proper persons to perform the same by days' 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 payment, 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 their respective Counties for public information.

3. The Commissioners appointed by the Municipalities of York, Carleton, and Sunbury, when any of the aforementioned sums of money appropriated for Roads and Bridges are issued to such Municipality, shall account for the moneys granted to the said Municipalities in the same manner as the Commissioners appointed by the Governor in Council.

4. 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 the Governor in Council.

5. The said Commissioners entrusted with the expenditure of the 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, where such moneys are expended on Roads or Bridges.

6. The said Commissioners for the expenditure of money on Roads or Bridges 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.

7. None of the before mentioned sum 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.

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, 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 Governor in Council, 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.

9. Notwithstanding the provisions of any law in force for the election of Commissioners of Bye Roads, or otherwise, no person shall be appointed to expend any of the aforesaid moneys who shall be a defaulter, or who shall not have fully accounted for the expenditure of any money previously entrusted to him, until he shall have satisfactorily accounted therefor; and in case of the election of any such person, the Governor in Council shall appoint Commissioners in the same manner as if no election had taken place.

CAP. XIV.

An Act to amend an Act intituled *An Act relating to Highways.*

Section.

1. Recovery of penalties under 18 V. c. 18.
2. Proceedings and costs.

Section.

3. Repeal of certain Sections of 18 V. c. 18.
4. Alteration and shutting up of Roads.

Passed 13th April 1859.

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

1. That from and after the passing of this Act, the penalties to be imposed under the sixteenth Section of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, and the costs of conviction, may be recovered before any Justice of the Peace of the County where the offence may be committed, and levied by Warrant of distress and sale of the offender's goods and chattels, or by Warrant of commitment against the person of such offender on failure of finding sufficient distress, or by Warrant of commitment in the first instance, at the discretion of the Justice imposing such penalty; and in case of commitment, the said Justice shall define the number of days in the Warrant, in no case to exceed twenty days for any one offence; and such penalty, when recovered, shall be applied to the repairing of the Highways in the District in which the offender resides.

2. The mode of proceeding and costs shall be regulated by any Act now or hereafter in force relating to summary convictions before Justices of the Peace.

3. The fourth, fifth, seventh, eighth, and ninth Sections of an Act passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, are hereby repealed.

4. Sections three, four, five, six, and eight, of an Act passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act intituled 'An Act relating to Highways,'* shall apply to any case of an extension or alteration of any public Highway: If in any alteration a new Road be opened, and the old Road, or any part of it, be shut up and revert to the owner of the land on which said new Road may pass, the Jury shall take into consideration the value of such old Road, or any part thereof so shut up, in diminution of damages: Where Roads are laid out, altered, or extended, under any Law relating to Highways, and the damages, if any, paid as provided, the Commissioners or Surveyors may enter upon and open such Roads, and remove therefrom any obstructions.

CAP. XV.

An Act to continue and amend the Acts relating to Steam Navigation in this Province.

Section.

1. Acts 17 V. c. 9, and 21 V. c. 27, continued.
2. Inspection of the hulls of Steamers, by whom to be made.

Section.

3. Remuneration.
4. Approval of lock-up safety valve.
5. Exceptions.

Passed 13th April 1859.

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

1. That an Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act relating to Steam Navigation in this Province*; also an Act made and passed in the twenty first year of Her present Majesty's Reign, intituled *An Act to continue and amend an Act relating to Steam Navigation in this Province*, together with this Act, be and shall continue and remain in force until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty five.

2. The Governor in Council may appoint in any Port or place in this Province, two persons acquainted with shipbuilding, qualified and competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hull of any Steamer employed in the carriage of passengers, and of her fitness for the route on which she may be placed, without peril to life from any imperfection of the several parts, or from age or use, who shall be authorized to make a survey of any vessel, on being requested to do so by the Inspector of Steamers for the Port or place where she is so inspected, and who shall also furnish such Inspector with their report of such inspection, and their opinion in writing of the character and condition of the vessel.

3. The remuneration for such inspection shall be two pounds ten shillings, to be divided between such persons so appointed as provided in the preceding Section of this Act, and shall be paid by the owner or master of such vessel, on the certificate of the Inspector, before the inspection shall be deemed completed.

4. The lock-up safety valve required by the fifth Section of the Act to continue and amend '*An Act relating to Steam Navigation in this Province*,' shall be subject to the approval of the Steamboat Inspector.

5. Nothing in this Act, nor in the two several Acts to which it is an amendment, shall apply to Steamers registered in any Foreign country, nor to Steamers the property of Her Majesty.

CAP. XVI.

An Act to repeal an Act intituled *An Act to amend the Law for the relief of Insolvent Debtors.*

Section.

1. Act 21 V. c. 17, repealed; reservation.

Section.

2. Rights of Mortgagees protected.

Passed 13th April 1859.

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

1. That an Act made and passed in the twenty first year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Law for the relief of Insolvent Debtors*, be and the same is hereby repealed: Provided always, that all proceedings already commenced under the provisions of the said Act, shall be prosecuted and finally determined in all respects as if this Act had not been passed; and all proceedings had, acts done, and orders for discharge granted, or that may be had, done, or granted under the said Act, shall be as effectual to all intents and purposes as if the said Act had not been repealed.

2. It is hereby declared, that nothing in the Act hereby repealed, or any order of discharge given or that may be given thereunder, shall in any way or manner affect or impair, or be construed to affect or in any way or manner impair, the rights, legal or equitable, of any *bona fide* mortgagee.

CAP. XVII.

An Act to alter and amend the Law relating to Absconding and Insolvent Confined Debtors.

Section.

1. Administration of oath under s. 11, cap. 125, Rev. Stat.

Section.

2. Arrest not to deprive creditor of recourse against property.

Passed 13th April 1859.

WHEREAS by the Absconding and Concealed Debtors' Law, it is among other things enacted, that any Judge may appoint (G) three or more fit persons to be Trustees for all the Credi-

tors, who shall be sworn to the faithful discharge of their duty—the oath (H) to be endorsed on the appointment: And whereas doubts are entertained whether a Commissioner for taking affidavits to be read in the Supreme Court is authorized to administer such oath; and it is also necessary to amend the Insolvent Confined Debtors' Law;—

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

1. That the oath required of the Trustees by the eleventh Section of Chapter 125, of Title XXXIV, of the Revised Statutes, 'Of Absconding, Concealed, or Absent Debtors,' may be made by them before any Commissioner for taking affidavits to be read in the Supreme Court, who is hereby authorized and directed to administer the same, which shall be endorsed by him on the said appointment.

2. The arrest or confinement of any debtor mentioned in the eleventh Section of Chapter 124, Title XXXIV, of the Revised Statutes, under a *capias ad satisfaciendum*, or other final process, issued out of any Court in this Province, who may now or hereafter be in custody, shall not in any case be deemed a satisfaction of the debt so as to deprive a creditor who shall discharge his debtor from custody of the benefit of his judgment and execution thereon against the property of the debtor.

CAP. XVIII.

An Act to regulate the qualifications of Practitioners in Medicine and Surgery, and to provide a Medical Council of Health in the Province of New Brunswick.

Section

1. Short title.
2. Commencement of Act.
3. Medical Faculty established; officers; bye laws; votes.
4. Medical Council established.
5. Officers of Medical Council; bye laws.
6. *Pro tem.* Registrars.
7. Registrar, Secretary, and Treasurer, appointment of.
8. Application of moneys and penalties.
9. Duty of Registrar.
10. Form of Registers.
11. Who shall be entitled to be registered.
12. Registrar to be satisfied by proper evidence.
13. Register to be annually published; effect.

Section.

14. What College qualifications shall entitle to registration.
15. Erasure of name from Register for misconduct.
16. Registration to entitle to recover for services;
17. Proof of Registration necessary.
18. Exemption from serving on Juries, &c.
19. Non-registration to disqualify for certain employments.
20. Certain certificates by unregistered persons invalid.
21. Procuring registration under false pretences.
22. Falsely pretending to be a registered Practitioner.

Section.

23. Recovery of penalties.

24. Chemists, Druggists, and Dentists, not affected by Act.

Section.

25. Repeal of inconsistent Acts. Schedules.

Passed 13th April 1859.

WHEREAS it is expedient that persons requiring Medical aid should be enabled to distinguish qualified from unqualified Practitioners, and that the opinion of the Medical Profession be obtained in matters affecting the Public health;—

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

1. This Act may for all purposes be cited as 'The Medical Act of the Province of New Brunswick.'

2. This Act shall commence and take effect from the first day of June next.

3. A Faculty styled 'The Medical Faculty of New Brunswick,' shall be established, consisting of all persons registered under this Act, who shall hold their first meeting within six months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint: The Faculty shall elect a President, a Secretary, and other officers, and make bye laws, and such rules and regulations as to the times and places of their future meetings, and the mode of summoning the same, as to them shall seem expedient: Any member of the Faculty absent from any meeting may vote by proxy, duly authorized in writing; and no member shall at any time represent more than the votes of five others: All the acts of the Faculty shall be decided by a majority of votes and proxies then and there present, the whole number present being not less than thirty; and at all such meetings, the President for the time being shall, in addition to his vote as a member of the Faculty, have a casting vote in case of an equality of votes.

4. A Council styled 'The Medical Council of Education, Health, and Registration, for New Brunswick,' hereinafter referred to as the 'Medical Council,' shall be established, consisting of twelve members of the Medical Faculty, nine of whom shall be elected by the Faculty, and three appointed by the Governor in Council: The term of office of the said Medical Council shall not be less than two years, nor more than five, such period to be determined by a regulation of the Medical Faculty made pursuant to the third Section of this Act.

5. The Medical Council shall elect a President and other officers, and make bye laws, and such rules and regulations as to the times and places of their meetings, and the mode of summoning the same, as to them shall seem expedient; and at any meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President *pro tem.*; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present being not less than six; and at all such meetings, the President for the time being shall, in addition to his vote as a member of the Council, have a casting vote in case of an equality of votes: The Medical Council may make representations to the Governor in Council upon sanitary subjects, and when called upon, shall give their opinion respecting matters touching the public health.

6. The Governor in Council shall, as soon as may be convenient after the passing of this Act, appoint one or more Registrars, who shall act as such in accordance with the provisions of this Act, until the first meeting of the Medical Council.

7. The Medical Council shall at their first meeting appoint a Registrar, who shall act as Secretary of the Medical Council, and who may also act as Treasurer, unless the Council shall deem it expedient to appoint another person as Treasurer; and every person so appointed by the Council shall be removable at the pleasure of the Council, and shall be paid such salary as the Council shall think fit; he shall also keep a Book, in which the bye laws and regulations of the Council shall be inserted.

8. All moneys and penalties payable under this Act, shall be paid to the Treasurer of the Medical Council, and applied to defray the expenses of carrying out the provisions of this Act, under the direction of the Medical Council: A true account of all sums of money received and paid under this Act shall be transmitted to the Governor in Council once every year.

9. It shall be the duty of the Registrar to keep his register correct in accordance with the provisions of this Act, and the orders and regulations of the Medical Council, and to erase the names of all registered persons who shall have died; and he shall from time to time make the necessary alterations in

the address or qualifications of the persons registered under this Act; and to enable him to fulfil the duties imposed upon him, it shall be lawful for the Registrar to write a letter to any registered person, addressed to him according to his address on the register, to enquire whether he has ceased to practise, or has changed his residence, and if no answer shall be received to such letter within the period of one year from the sending of such letter, it shall be lawful to erase the name of such person from the register; provided always, that the same may be restored by the direction of the Council, should they think fit to make an order to that effect.

10. The Medical Council shall, with all convenient speed after the passing of this Act, and from time to time as occasion may require, make orders for regulating the registers to be kept under this Act, as nearly as conveniently may be in accordance with the form set forth in Schedule A to this Act, or to the like effect.

11. Every person in this Province now possessed of a Medical Degree, Diploma, or Licence to practise Medicine or Surgery, from any College or other Public Institution in Great Britain, Ireland, Canada, France, or the United States, authorized to grant the same, or a Licence from the Lieutenant Governor of the Province to practise Medicine or Surgery, or who has been in the continued practice of Medicine or Surgery in this Province since the first day of January in the year of our Lord one thousand eight hundred and fifty two, shall, upon the payment of a fee of one pound, be entitled to be registered under this Act; but no person not possessing a Medical Degree, Diploma, or Licence to practise Medicine or Surgery, from any College or other Public Institution in Great Britain, Ireland, Canada, France, or the United States, authorized to grant the same, or a Licence from the Lieutenant Governor of the Province to practise Medicine or Surgery, shall be eligible to become a member of the Medical Council; provided always, that the penalties imposed by this Act shall not extend or apply to any Medical Practitioner actually residing in the neighbouring Provinces of Canada, or Nova Scotia, or in the State of Maine, in the United States of America, for professional services which he may render to persons residing in this Province.

12. No qualification shall be entered on the register, either

on the first registration, or by way of addition to the registered name, unless the Registrar be satisfied by the proper evidence that the person is entitled to it; and any appeal from the Registrar shall be decided by the Medical Council; and any entry which shall be proved to the satisfaction of such Council to have been fraudulently or incorrectly made, may be erased from the register by order in writing from such Medical Council.

13. The Medical Council shall annually furnish the Governor in Council with a correct register of the names, in alphabetical order according to the surnames, of all persons appearing on the register on the first day of January of every year, which list shall be published in the Royal Gazette of this Province; and such printed list shall be evidence in all Courts, and before all Justices of the Peace and others, that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy, shall be evidence, until the contrary be made to appear, that such person is not registered according to the provisions of this Act; provided always, that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar, of the entry of the names of such person on the register, shall be evidence that such person is registered under the provisions of this Act.

14. All persons registered as Medical Practitioners in Great Britain or Ireland, shall be entitled to be registered under this Act, and the Medical Council shall decide, subject to the approval of the Governor in Council, from time to time, what other Colleges or bodies giving qualifications, shall entitle the possessor of them to be registered; and all persons hereafter registered shall pay the sum of three pounds.

15. If any registered Medical practitioner shall be convicted in this Province of any felony or misdemeanor, or shall, after due enquiry, be judged by the Medical Council to have been guilty of infamous conduct in any professional respect, or if his name shall be struck off the Register of Great Britain or Ireland, the Medical Council may, if they see fit, direct the Registrar to erase the name of such Medical practitioner from the register; provided always, that the name of no person shall be erased from the register on the ground of his having adopted any theory of Medicine or Surgery: Every registered

person may have any subsequent qualifications possessed by him, inserted in the register.

16. Every person registered under this Act, shall be entitled to practise **Medicine and Surgery** in any part of this Province, and to demand and recover in any Court of Law, having competent jurisdiction, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the costs of any medicines or other medical or surgical appliances rendered or supplied by him to his patients.

17. After the first day of June next, no person shall be entitled to recover any charge in any Court of Law for any medical or surgical advice or attendance, or for the performance of any operation, unless he shall prove upon the trial that he is registered under this Act.

18. Every person registered under this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from all corporate and township offices, and from serving in the Militia.

19. After the first day of June next, no person shall hold any appointment as a **Physician, Surgeon, or other Medical officer**, in any Hospital, Infirmary, Dispensary, Lying-in Hospital, Lunatic Asylum, Gaol, Penitentiary, House of Correction, Poor House, or other public establishment, body, or institution, or any friendly or other Society for affording mutual relief in sickness, infirmity, or old age, or as a **Medical officer of health** for an Insurance Company, unless he be registered under this Act.

20. After the first day of June next, no certificate required by any Act now in force, or that may hereafter be passed, from any **Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner**, shall be valid, unless the person signing the same be registered under this Act.

21. If any person wilfully procure or attempt to procure himself to be registered under this Act, by making, or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person, and every person aiding or assisting him therein, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be sentenced to imprisonment for any time not exceeding twelve months.

22. Any person who shall wilfully or falsely pretend to be, or take or use the name or title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, or general Practitioner, or any name, title, addition, or description, implying that he is registered under this Act, or that he is recognized by law as a Physician, or Surgeon, or a Practitioner in Medicine, shall, upon a summary conviction for any such offence, pay a sum not exceeding twenty pounds; provided that this Act shall not apply to Physicians and Surgeons actually serving in Her Majesty's Army and Navy.

23. Any penalty imposed by this Act shall be recovered in a summary manner, with costs, upon information before two Justices of the Peace for the County in which the offence shall have been committed, or if such offence shall have been committed within the City of Saint John, or the Parish of Portland, in the County of Saint John, then before the respective Police Magistrates thereof, or before such other Justices of the Peace as may at any time sit in the absence of such Police Magistrate: All proceedings for such penalty to be as nearly as may be in the form and according to the mode here required by the Act of the General Assembly of this Province relating to summary convictions before Justices of the Peace.

24. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful occupation, trade, or business, of Chemists and Druggists, and Dentists.

25. All Acts inconsistent with this Act are hereby repealed.

SCHEDULE A.

Name.	Residence.	Qualifications.
A. B.	Saint John,	Graduate in Medicine, &c., of University of Edinburgh.
C. D.	Fredericton,	Member of the Royal College of Surgeons, England.

SCHEDULE B.

Declaration of a person who claims to be registered as a Medical Practitioner, upon the ground that he has been in continued practice in New Brunswick since the first day of January in the year of our Lord one thousand eight hundred and fifty two.

To the Registrar of the Medical Council.

I _____, residing at _____, in the County of _____, hereby declare that I have been in the continued practice of Medicine at _____, in the County of _____, since the first day of January A. D. 1852.—Dated this _____ day of _____ 185 .

CAP. XIX.

An Act to regulate the time of holding the Circuit Courts in the Counties of Sunbury, Kent, and Saint John.

Section.

1. Time for holding Circuit Court in Sunbury;
2. Kent;

Section.

3. Saint John.
4. Repeal of conflicting Acts.

Passed 13th April 1859.

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

1. The Circuit Court in and for the County of Sunbury, now holden on the last Tuesday in February, shall hereafter be held on the third Tuesday in January in each and every year.

2. The Circuit Court in and for the County of Kent, now holden on the Tuesday after the fourth Tuesday in July, shall hereafter be held on the fourth Tuesday in September in each and every year.

3. The Circuit Court in and for the City and County of Saint John, now holden on the first Tuesday in November, shall hereafter be held on the third Tuesday in November in each and every year.

4. All Acts or parts of Acts of the General Assembly of this Province, conflicting with the provisions of this Act, are hereby repealed.

CAP. XX.

An Act relating to the Law of Evidence.

Questions as to construction of Foreign or British Colonial Statutes, how to be dealt with.

Passed 13th April 1859.

BE it enacted and declared by the Lieutenant Governor, Legislative Council, and Assembly,—When upon the trial of any cause, civil or criminal, any question shall arise upon the true meaning or construction of any Statute, Act, or Ordinance of any Foreign State or Government, or of the Legislature of any British Colony, Island, or Possession, it shall not be deemed misdirection in the Judge, before whom such trial may be pending, to express his opinion to the Jury upon such meaning or construction in its bearing upon or application to the issue or matter before him for trial, but a Bill of Exceptions may be tendered to the Judge, to be by him sealed as in other cases, or the Court may review and deal with the matter in like manner as if the question had arisen under an Act of the General Assembly of this Province; provided always, that no evidence in relation to the construction or meaning of any Foreign or Colonial Law, which would be admissible before the passing of this Act, shall be excluded by reason hereof.

CAP. XXI.

An Act to modify the Laws relating to Interest and Usury.

Section.

1. Cap. 102, Rev. Stat. repealed.
2. Interest limited to 6 per cent.; but contract for more not void.
3. Excess to be deducted on suit.

Section.

4. Banks limited to 6 per cent.; forfeiture.
5. How previous contracts to be dealt with.
6. What contracts Act shall not extend to.

Passed 13th April 1859.

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

1. That from and after the passing of this Act, Chapter 102, Title XXIII, of the Revised Statutes, 'Of Interest and Usury,' be and the same is hereby repealed, except as hereinafter provided by the fifth Section of this Act.

2. No person shall directly or indirectly receive on any contract to be made for the loan of any money or goods, more than six pounds for the forbearance of one hundred pounds for

one year, and after that rate for a greater or lesser sum, and a longer or shorter time; but no deed or contract for payment of any money hereafter loaned, or for the forbearance of any thing undertaken, upon or by which more than such rate of interest shall be reserved or received, shall be hereafter deemed void.

3. In any action brought on any contract whatsoever, in which there is directly or indirectly taken or reserved a rate of interest exceeding that authorized in Section second, the defendant, or his attorney, may under the general issue, with notice of defence as in other cases, prove such excessive interest, and it shall be deducted from the amount due on such contract.

4. Provided always, that it shall not be lawful for any Bank incorporated by an Act of the Legislature of this Province, or by Royal Charter, to stipulate for, take, reserve, or exact a higher rate than six per cent. per annum; and whenever any such Bank shall, upon any such deed or contract, receive or reserve, by means of any loan, bargain, exchange, or transfer of any money or goods, or by any deceitful means, for the forbearing, or giving day of payment beyond a year, of its money or goods, more than six pounds for one hundred pounds for one year, and after that rate for a greater or lesser sum, and longer or shorter time, it shall forfeit for every offence the value of the principal sum or goods so loaned, bargained, exchanged, or transferred, together with all interest and other profits accruing therefrom, one moiety to be paid to the Queen for the use of the Province, and the other moiety to the person suing for the same, to be recovered by any action in any Court of Record in the County where the offence may be committed, which action shall be brought within twelve months from the time of such offence.

5. Nothing in this Act shall extend to or be construed to extend to contracts or securities entered into before the passing of this Act, or to legalize any usurious contract, security, or loan, made, entered into, given, or taken before the passing of this Act, but all such contracts, securities, or loans, shall be construed, considered, and dealt with as well in civil suits as in proceedings for penalties, as if this Act had not been passed; and for all such cases, Chapter 102, of Title XXIII,

of the Revised Statutes, 'Of Interest and Usury,' shall be considered in force and unrepealed.

6. That nothing in this Act contained shall extend or be construed to extend to Bottomry Bonds or Contracts on the bottom of any Vessel, damages, or protested Bills allowed by law, penalties incurred for the non-fulfilment of any contract where such penalties are mutually binding, and contracts for the loan or hire of any grain, cattle, or live stock, let out as the parties may agree, if the lender takes the risk of casualties upon himself, in which case the borrower shall not avail himself of any loss suffered through his wilful neglect, or any voluntary damage which may be committed by him.

CAP. XXII.

An Act in amendment of Chapter 116, Title XXX, of the Revised Statutes, 'Of Bills, Notes, and Choses in Action.'

Section.

1. Damages on Foreign and Colonial Bills of Exchange.
2. Sec. 1, cap. 116, Rev. Stat. repealed.

Section.

3. When Bills of Exchange and Promissory Notes shall be due in certain cases.
4. Evidence of presentment and dishonor.

Passed 13th April 1859.

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

1. Whenever any Bill of Exchange drawn or indorsed within the Province, and payable in any part of North America without the Province, or in Prince Edward Island, or in the Island of Newfoundland, shall be returned protested, the party liable for the contents of such Bill shall, upon due notice and demand, pay the same with damages at the rate of two and one half per cent. upon the contents thereof, with lawful interest and charges on the said contents, to be computed from the date of the protest to the time of payment; and whenever any Bill of Exchange so drawn or indorsed, and payable in Europe, or in the West Indies, or in any other place without the Province than as first recited, shall be returned protested, the party liable for the contents of such Bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of demand, and damages at the rate of five per cent. upon the contents thereof, with lawful interest

and charges on the said contents, to be computed from the date of the protest to the time of payment, and such respective amounts of contents, damages, interest, and charges, shall be in full of all damages, charges, and expenses.

2. The first Section of Chapter 116, Title XXX, of the Revised Statutes, 'Of Bills, Notes, and Choses in Action,' is hereby repealed.

3. From and after the first day of June next, where Bills of Exchange and Promissory Notes become due and payable on the first day of January commonly called New Year's Day, Christmas Day, Good Friday, or Day appointed by Proclamation of the Governor of this Province for a Day of Fast, Thanksgiving, or general Holiday, the same shall be payable on the day next preceding such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday, unless the day preceding such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, shall happen to be Sunday, in which case such Bills of Exchange and Promissory Notes shall fall due on the Saturday preceding; and such Bills of Exchange and Promissory Notes, in case of non-payment, may be noted and protested on the day preceding such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday, unless the preceding day be Sunday, and then the same Bills of Exchange and Promissory Notes may be noted and protested on the preceding Saturday; and that as well in such cases, as in the cases of Bills of Exchange and Promissory Notes becoming due and payable on the day next preceding such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday, it shall not be necessary for the holders of such Bills of Exchange and Promissory Notes to give notice of the dishonor thereof, until the day next after such New Year's Day, Christmas Day, Good Friday, Day of Fast, or Day of Thanksgiving, or general Holiday; and that whensoever such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, shall happen, or be appointed on a Saturday, it shall not be necessary for the holder or holders of such Bills of Exchange or Promissory Notes, as shall by virtue of this Act or otherwise be payable on the preceding Friday, to give notice of the

dishonor thereof until the Monday next after such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, respectively; and that whensoever such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, shall happen or be appointed on Monday, it shall not be necessary for the holder or holders of such Bills of Exchange or Promissory Notes, as by virtue of this Act or otherwise shall be payable on the preceding Saturday, to give notice of the dishonor thereof until the Tuesday next after such New Year's Day, Christmas Day, Day of Fast, or Day of Thanksgiving, or general Holiday, respectively; and from and after the said first day of June next, New Year's Day, Christmas Day, Good Friday, and every such Day of Fast, and Day of Thanksgiving, or general Holiday, so appointed by the Governor of this Province, is and shall for all other purposes whatsoever, as regards Bills of Exchange and Promissory Notes, be treated and considered as the Lord's Day, commonly called Sunday.

4. Where any Promissory Note or Bill of Exchange shall be payable at any place out of this Province, whether the same be drawn in or out of this Province, a Notarial protest of the presentment and dishonor of such Promissory Note or Bill of Exchange shall be deemed and taken in all Courts of this Province as evidence of the fact of presentment and dishonor stated in such protest, in the like manner as in cases of a protest of non-payment of a Foreign Bill of Exchange.

CAP. XXIII.

An Act to amend Chapter 133, Title XXXIV, of the Revised Statutes, 'Of Trespasses on Lands, Private Property, and Lumber.'

Section.

1. Licence to be deemed in possession.

Section.

2. Licences to cut Timber on Crown Lands, assignable.

Passed 13th April 1859.

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

1. The Licencee mentioned in the sixth Section of Chapter 133, Title XXXIV, of the Revised Statutes, 'Of Trespasses

on Lands, Private Property, and Lumber,' his executors, administrators, or assigns, shall be deemed to be in possession of the land described in any such Licence, during the continuance thereof, and may maintain an action of trespass, trover, or replevin, against any person cutting or carrying away any trees, timber, or lumber from such land.

2. That Licences to cut timber on Crown Lands may be assignable, by writing signed by the Licencee, his executors or administrators; and the assignee, his executors, administrators, and assigns, shall have the same rights and remedies in all respects as the Licencee could have had if the licence had not been assigned; and such assignee shall, within a reasonable time, give notice of such assignment, with the date thereof, to the Surveyor General.

CAP. XXIV.

An Act relating to the recovery of Damages against the Commissioners of the European and North American Railway, in certain cases.

Section.

1. Commissioners of European and North American Railway incorporated.
2. Actions for damages maintainable against the Corporation.
3. Form of action; abatement.
4. Costs.

Section.

5. Judgment for Plaintiff, how payable.
6. When actions to be commenced.
7. Act not to give right of action for entry on lands, or contracts.
8. Notice before issue of summons.

Passed 13th April 1859.

WHEREAS it is expedient for public protection, that persons sustaining injury through the negligence or default of the Commissioners of the European and North American Railway, or their agents, officers, or servants, should have a remedy by Law to recover damages for the same;—

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

1. That the Commissioners for the construction and management of the European and North American Rail Road, now appointed by virtue of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to authorize the construction of Railways in this Province*, or hereafter to be appointed by the authority of the said Act, or of any Act of the General Assembly of this Province made or hereafter to be made in amendment of or in addition to the

same, shall be deemed a body corporate for the purpose of this Act, by the name of 'The Commissioners of the European and North American Railway.'

2. Any person sustaining injury or damage, either to his property or person, through the negligence or default of such Commissioners, or any of them, or of any agent, officer, or servant under the direction and control of such Commissioners, whether appointed by the said Commissioners or by the Governor in Council, in any act, matter, or thing connected with the European and North American Railway, may maintain an action at Law, and recover damages in respect thereof, and proceed to final judgment against the said Commissioners, by the name of 'The Commissioners of the European and North American Railway;' such action, nevertheless, to be instituted in Her Majesty's Supreme Court of Judicature in this Province, and conducted and governed by the rules and practice of the said Supreme Court, and by the Laws of this Province, in like manner as in cases between party and party, except as hereinafter excepted.

3. All actions shall be commenced and prosecuted by summons, in like form as may now be used in actions against Corporations, *mutatis mutandi*: and no such action shall abate or be suspended by any change of the persons, or any of them, filling the office of Commissioners of the European and North American Railway.

4. In all such actions, if the plaintiff or plaintiffs shall suffer judgment of *non pros.* or nonsuit, or if a verdict shall pass against him or them, the Commissioners of the European and North American Railway shall recover their costs, and have execution for the same as in ordinary cases.

5. If judgment shall be rendered for the plaintiff or plaintiffs in any such action against the said Commissioners, the amount of such judgment shall be paid to the party or parties entitled to the same, or their legal representatives, by Warrant on the Provincial Treasurer, under the hand and seal of His Excellency the Lieutenant Governor in Council, who is hereby authorized to issue the same.

6. All actions to be instituted under the authority of this Act, shall be commenced within six calendar months after the cause of action shall have accrued, and not after.

7. Nothing in this Act contained shall extend to give any right of action against the said Commissioners of Railways, for any entry upon lands, or act done under the authority of an Act made and passed in the nineteenth year of Her Majesty's Reign, intituled *An Act relating to Lands required for Railway purposes*; or to give parties having entered into contracts, or who may hereafter enter into contracts with the said Commissioners for the construction of said Railway or any part thereof, or for the supply of materials or repairs connected therewith, a right of action on such contracts against the said Commissioners.

8. No summons shall issue in any action to be instituted under the authority of this Act, until a notice in writing shall be delivered to some one of the Commissioners one month before the suing out of such summons, containing a statement of the cause of action; within which month the said Commissioners may tender amends, and if on the trial such tender shall be found sufficient, and the same be pleaded, or notice of the same given, and the amount lodged in Court, a verdict shall pass against the plaintiff.

CAP. XXV.

An Act relating to Intestate Estates and the Practice of Probate Courts.

Section.

1. Meaning of 'Estate' in 21 V. c. 26.

Section.

2. Notice, &c. in sec. 35, cap. 136, Rev. Stat. to be in form as in sec. 29.

Passed 13th April 1859.

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

1. That the word 'Estate' used in the Act intituled *An Act to amend the Act relating to Intestate Estates*, passed in the twenty first year of the Reign of Queen Victoria, shall be construed to mean real estate only.

2. The notice required to be given in and by Section thirty five, of Chapter 136, Title XXXVI, of the Revised Statutes, is hereby declared to be by citation in the same form, and the publication or service thereof in the same manner, as specified in and by Section twenty nine of the Chapter last aforesaid.

CAP. XXVI.

An Act to alter the time for holding the Inferior Courts of Common Pleas and General Sessions of the Peace in the Counties of York and Sunbury.

Section.

1. Time for Courts of Common Pleas for York and Sunbury.

Section.

2. Act 13 V. c. 47, in part repealed.

Passed 13th April 1859.

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

1. That the Term of the Inferior Courts of Common Pleas for the Counties of York and Sunbury, and the Courts of General Sessions of the Peace for the said Counties, shall hereafter be held on the first Tuesday in January in each and every year instead of the second Tuesday in January, provided that when the first Tuesday in January shall happen to be New Year's Day, the said Courts shall open on the following day, but all the proceedings shall be as of the first Tuesday, and relate thereto.

2. That so much of an Act made and passed in the thirteenth year of Her Majesty's Reign, intituled *An Act to consolidate and amend the Laws to provide for the administration of Justice in the Inferior Courts of Common Pleas and General Sessions of the Peace*, as is inconsistent with the provisions of this Act, is hereby repealed.

CAP. XXVII.

An Act in amendment of Chapter 137, Title XXXVII, of the Revised Statutes, 'Of the jurisdiction of Justices in Civil Suits,' so far as relates to the duties of Constables.

Process may be served by Parish Constables in any part of the County.

Passed 13th April 1859.

WHEREAS doubts at present exist whether processes can be legally served by Constables appointed for a particular Parish, beyond the limits of the Parish for which such Constable may have been elected or appointed;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That all processes in actions

before Justices of the Peace in Civil Suits, may be served by Constables appointed or elected for any particular Parish, in any part of the respective Counties in which the Parish for which the said Constable may have been elected or appointed is situated.

CAP. XXVIII.

An Act relating to the Law Library.

Section.

Section.

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| <p>1. Annual payment to be made by Attorneys.
2. Title of Attorneys to use of Library.</p> | <p>3. No Attorney in default to practice.</p> |
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Passed 13th April 1859.

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

1. Every Attorney of the Supreme Court, on or before the first day of Trinity Term in each year, shall pay to the Clerk of the Pleas the sum of fifteen shillings, which shall be paid by the said Clerk to the Treasurer of the Barristers' Society, for the purpose of providing for and maintaining the Law Library under the direction of the said Society.

2. Every Attorney of the Supreme Court shall, during the time he shall so pay the said annual sum, be entitled to enter the Library and have the free use of the Books therein, subject to such rules and regulations for the care, safe keeping, and control thereof, as the Barristers' Society of New Brunswick may from time to time prescribe.

3. No Attorney shall be allowed to practice in the said Supreme Court after the first day of Trinity Term in each year, unless such payment is made, but an Attorney who has neglected to make the payment on or before the first day of Trinity Term, may do so at any time thereafter for the purpose of enabling him to resume his practice.

CAP. XXIX.

An Act to place certain Provincial Buildings under the control of the Board of Works.

Section.

Section.

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| <p>1. Repairs, &c. to be made under supervision of Board of Works;</p> | <p>2. From what money to be defrayed.
3. Inconsistent Acts repealed.</p> |
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Passed 13th April 1859.

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

1. That all repairs, improvement, and alteration made in the Provincial Penitentiary, the Provincial Lunatic Asylum, the Light Houses, or any of them, and any new building or work connected therewith, shall be made by and under the control and supervision of the Board of Works, in the same manner in all respects as other public works.

2. The moneys required to defray the expense of the repairs, improvements, building, and works specified in the first Section of this Act, shall be provided for and paid out of the particular funds appropriated to any such work, and accounted for in the usual manner.

3. All Acts and any provision in any Act relating to the Provincial Penitentiary, Provincial Lunatic Asylum, or Light Houses, inconsistent herewith, shall be and the same are hereby repealed.

CAP. XXX.

An Act to provide for the support of Lunatics committed to the Provincial Lunatic Asylum.

Section.

1. Insanity to be certified before admission.
2. Lunatic's means of support to be certified.
3. Expense of lunatic in Asylum to be a Crown debt.

Section.

4. Certificate of Medical Superintendent to be evidence of expense.
5. When expense to be defrayed from the funds.

Passed 13th April 1859.

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

1. Notwithstanding the provisions of the first Section of Chapter 89, Title XV, of the Revised Statutes, 'Of dangerous Lunatics,' no person shall be admitted into the Provincial Lunatic Asylum on the Warrant of two Justices or otherwise, unless the insanity of such person, within the meaning of the said Chapter, shall be certified by some duly qualified Medical practitioner resident and practising in the Province.

2. Whenever any person is sent to the Provincial Lunatic Asylum on the Warrant of two Justices, they shall also deliver to the Constable who shall execute the Warrant, a certificate of the means and condition of the lunatic, setting forth,

according to the best of their knowledge and belief, whether he has any and what property and means of support, which certificate the Constable shall lodge with the Medical Superintendent or other person in charge of the Asylum.

3. The board, care, medical attendance, and other necessary expense incurred in the care and support of any lunatic or insane person received into the Provincial Lunatic Asylum, shall be a Crown debt, and may be sued for and recovered by any and the like remedies that any other debt due the Crown may be sued for and recovered.

4. In any action or proceeding for the recovery of any sum due at any time for the board, care, medical attendance, and other necessary expense of a lunatic or insane person, the certificate of the Medical Superintendent that such sum is due shall be evidence of the fact.

5. Whenever the real or personal estate of any lunatic or insane person is not more than sufficient to maintain the family of the lunatic, the expense of the lunatic may be defrayed from the funds of the Asylum.

CAP. XXXI.

An Act relating to an Act intituled *An Act to explain an Act intituled 'An Act to regulate the sale of Spirituous Liquors.'*

Act 18 V. c. 23, extended to Police of Portland.

Passed 13th April 1859.

WHEREAS in and by the ninth Section of an Act made and passed in the twentieth year of the Reign of Her present Majesty, intituled *An Act to repeal the Act to prevent the importation, manufacture, and traffic in intoxicating Liquors, and to regulate the sale thereof*, it is among other things enacted that all complaints for violation of an Act made and passed in the seventeenth year of Her said Majesty's Reign, intituled *An Act to regulate the sale of Spirituous Liquors within the Police District of the Parish of Portland, in the County of Saint John*, and all proceedings for penalties under the said Act in that District, shall be heard, tried, and determined before the Police Magistrate of the said Parish of Portland, or the sitting Magistrate at the Police Office there, and not

elsewhere : And whereas in and by an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to explain an Act intituled 'An Act to regulate the sale of Spirituous Liquors,'* it is directed that from and after the passing of that Act, "the penalties imposed under the provisions of the Act intituled *An Act to regulate the sale of Spirituous Liquors,* passed in the seventeenth year of Her present Majesty's Reign, and the costs of conviction, may be levied by Warrant of distress and sale of the offender's goods and chattels, or by Warrant of commitment against the person of such offender, or both, at the discretion of the Court or Justice imposing such penalty, and in case of commitment, the said Court or Justice shall define the number of days in the Warrant, in no case to exceed thirty days for any one offence or conviction," and that "the form of every Warrant or process, the mode and power of levying the money, or executing the same, shall be as nearly as may be, the mode, form, and power given and prescribed by Chapter 138, Title XXXVII, of the Revised Statutes, 'Of Summary Convictions:'" And whereas doubts have arisen whether the provisions of the last recited Act, and the power and authority thereby given, extend to the Police District of the Parish of Portland, in the County of Saint John, or the Police Magistrate of the said Parish of Portland, or the Sitting Magistrate of the Police Office there ;—

Be it therefore enacted and declared by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, the provisions of the Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act to explain an Act intituled 'An Act to regulate the sale of Spirituous Liquors,'* shall extend and be construed to extend to the Police District of the Parish of Portland, in the County of Saint John, and to the Police Magistrate of the said Parish of Portland, or the Sitting Magistrate at the Police Office there, any usage or custom to the contrary notwithstanding.

CAP. XXXII.

An Act to alter and amend an Act intituled *An Act to encourage the destruction of Bears in this Province.*

Section.

1. Act 20 V. c. 2, s. 3, repealed.

Section.

2. Certificates to entitle to bounty. Schedules.

Passed 13th April 1859.

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

1. That the third Section of an Act made and passed in the twentieth year of the Reign of Her present Majesty, intituled *An Act to encourage the destruction of Bears in this Province*, be and the same is hereby repealed; and in lieu thereof,—

2. To entitle any person or persons to the reward of fifteen shillings for killing a Bear, as mentioned in the first Section of the said Act, he or they shall bring the skin of the Bear for the killing of which the bounty is claimed, to any one of Her Majesty's Justices of the Peace residing in the vicinity, or near to the place where the said Bear has been killed, and shall take and subscribe the oath in the Schedule to this Act marked (A), which oath such Justice is authorized and required to administer without fee; and the said Justice is also authorized and required to cut off the nose of the Bear so killed, from the skin so produced before him, and burn or destroy the same; and the said Justice shall also certify under his hand, at the foot or end of such affidavit, in the form in the Schedule to this Act marked (B), that he believes the statement made in the said affidavit to be true, and that he has cut off and destroyed the said nose so produced, and shall then deliver the said affidavit and certificate to the deponent or deponents.

SCHEDULE A.

Oath.

I (or we) do swear that I (or we) did, on the _____ day of _____ kill, (or assist to kill) a Bear, at [describe the place as near as may be,] in the Province of New Brunswick, and that the skin now produced by me is the skin (or skins) of the Bear (or Bears) so killed, for which the bounty granted by Law is claimed, and that no other person has received the bounty for the same.

A. B., *Signature of claimant.*

Sworn to at _____ in the County of _____ this _____ day of _____ A. D. 18 _____, before me, C. D., J. P. }

B.

Certificate.

I hereby certify that I believe the facts stated in the above affidavit to be true, and that I have cut off the nose (*or noses*) of the Bear (*or Bears*) so killed, and have destroyed the same.

C. D., J. P.

CAP. XXXIII.

An Act relating to Sick and Disabled Seamen.

Authority to appoint Commissioners at specified Ports.

Passed 13th April 1859.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Governor in Council may appoint one or more fit persons to be Commissioners for Sick and Disabled Seamen at the Ports of Shediac, Sackville, Dorchester, Hillsborough, and Harvey, respectively.

CAP. XXXIV.

An Act to alter the place for polling at Elections in the Parish of Brunswick, in Queen's County.

'Near Elijah Clark's,' substituted for 'near Keith's.'

Passed 13th April 1859.

WHEREAS the place established by Law for taking the votes at Elections in the Parish of Brunswick, in Queen's County, is found inconvenient ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That from and after the passing of this Act, at or near Elijah Clark's, at the main Bridge over the New Canaan River, in the Parish of Brunswick, in Queen's County, be established and fixed for holding the Poll at every Election holden in the said County, instead of "at or near Charles Keith's," as provided by the Act of Assembly made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly.*

CAP. XXXV.

An Act to regulate the sale and disposal of Church and Glebe Lands of the Church of England in this Province.

Section.

1. Glebe or Church Lands may be sold under sanction of the Bishop.
2. Previous notice of intended sale.

Section.

3. Investment of proceeds.
4. Sales to be by public auction.

Passed 13th April 1859.

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

1. Whenever it shall appear to the Rector, Church Wardens, and Vestry for the time being of any Parish in the Province, to be clearly for the benefit and advantage of the Church to sell and dispose of the lands and premises, or any part thereof, belonging to or granted and conveyed for Glebe or Church purposes in such Parish, they are hereby authorized to sell and convey the same in fee simple or otherwise, which conveyance, under the Seal of the said Corporation, shall be good and valid, any law or usage to the contrary notwithstanding; provided that every such conveyance shall receive the sanction of the Lord Bishop of the Diocese, signified by his being a party to every such conveyance and executing the same.

2. That before any such lands are sold and conveyed under this Act, notice of such intended sale, signed by the Rector and Church Wardens of the Parish, shall be posted on the door of the Church situate in the Parish where the lands lie, at least three months before Easter Monday, specifying the lands sought to be sold as aforesaid, and also by publishing such notice during the like period in a Newspaper published in the County, if any, and if no such paper then in the Royal Gazette.

3. The proceeds of such sales shall be invested and laid out by the Rector, Church Wardens, and Vestry for the time being, by and with the sanction of the Lord Bishop, either in the purchase of other lands situate in the same Parish, and not elsewhere, or be put and kept out at legal interest, payable annually, upon good and sufficient landed security; and the annual income and interest arising therefrom shall be received and applied to and for the same uses and trusts for which the said lands so sold were originally granted, received and held.

4. All sales under this Act shall be at public auction, and thirty days notice thereof shall be given by publishing the same in a Newspaper printed in the County, if any, and if no such paper then in the Royal Gazette.

CAP. XXXVI.

An Act to extend the jurisdiction of the Police Magistrate of the City of Saint John to Carleton, and for other purposes.

Section.

1. Jurisdiction of Police Magistrate of Saint John City extended to Carleton.
2. Authority of the Chief of Police likewise extended.

Section.

3. Policeman to be appointed; duties.
4. Remuneration of Police Magistrate, &c.
5. Separate account of fines to be kept.
6. Assessment for deficiency in funds.

Passed 13th April 1859.

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

1. The authority and jurisdiction of the Police Magistrate, and of any Justice of the Peace sitting as Police Magistrate at the Police Office in the City of Saint John, appointed under and by authority of the Act of Assembly 12th Victoria Chapter 68, shall extend to and be exercised over all that part of the City of Saint John lying on the western side of the Harbour; and all and every the acts, omissions, matters, and things, made, deemed, or regarded as offences by and by virtue of the said Act, or any Act or Acts of Assembly, or bye law of the Corporation of the said City, and cognizable by the said Police Magistrate or Justice, shall be and be deemed and taken to be offences, when committed, omitted, done, suffered, or happening in the said City, on the western side of the Harbour aforesaid, and shall be dealt with in the same manner in every respect as like offences committed or happening on the eastern side aforesaid; and all and every the provisions of the said Act, and of an Act made and passed in the eleventh year of Her present Majesty's Reign, intituled *An Act more effectually to provide for the support of a Nightly Watch and Day Police in that part of the City of Saint John lying on the eastern side of the Harbour, and for other purposes*, also an Act made and passed in the nineteenth year of Her said Majesty's Reign, intituled *An Act relating to the Police of the City of Saint John*, and of any Act incorporated with or made part of the

said Acts, or either of them, touching offences, or the apprehension, safe keeping, dealing with, trial, and punishment of offenders, or persons chargeable with offences, or relating to witnesses or evidence, or the payment of costs, shall be deemed, taken, and adjudged to apply to this Act, in the same manner as if the same had been enacted herein, and so far as they may be consistent herewith.

2. The power and authority of the Chief of Police of the said City, shall extend over all that part of the City lying on the western side of the Harbour, and shall be as effectual as respects the ordering of any Policeman appointed for the said western part of the City, or any thing done or to be done therein, as if such order were made in relation to any like thing on the eastern side of the said City.

3. The said Chief of Police shall appoint a fit and proper person to act as Policeman on the said western part of the City, who shall be sworn as provided by the second Section of the Act of Assembly made and passed in the nineteenth year of Her present Majesty's Reign, intituled *An Act relating to the Police of the City of Saint John*, and shall have all the powers, authorities, privileges, advantages, exemptions, and immunities, and shall be subject to all the duties and responsibilities, orders, regulations, fines, penalties, and forfeitures, provided for, given to, or imposed upon Policemen in and by the said Act, or in and by any Act of Assembly or bye law of the Corporation of the City of Saint John relating to the Police of the said City, whether acting on the said western side or engaged in conveying or conducting prisoners thence, to, or from the Police Office, the Watch House, or other place of safe keeping on the eastern side of the Harbour, except that such Policeman shall not be subject to do the ordinary night duty of a Policeman, and it shall be the duty of the said Policeman to attend every morning at the Police Office, for the purpose of making reports and receiving instructions.

4. The Police Magistrate shall be entitled to, and shall receive the sum of fifty pounds, the Chief of Police, and the Police Clerk, the sum of twenty five pounds each per annum, for the additional services required of them by this Act; and the said Policeman shall be paid a sum not exceeding ninety pounds per annum: all which sums shall be payable out of the funds hereinafter provided.

5. The Police Magistrate shall keep a separate account of all fines, costs, and sums of money imposed or collected by him under and by virtue of this Act, and shall pay the same into the hands of the Chamberlain of the said City, who shall place the same to the credit of a fund to be called 'The Carleton Police Fund.'

6. The Mayor, Aldermen, and Commonalty of the said City shall have power, from time to time, to order and levy an assessment on that part of the City of Saint John lying on the western side of the Harbour, and the inhabitants thereof, for any sum that may be necessary to make up any deficiency in the said fund for the purposes of this Act, not exceeding in the whole the sum of one hundred and ninety pounds in any one year; which assessment shall be ordered, levied, and collected in the same manner as any assessment for Police purposes of the said City on the eastern side of the Harbour may be ordered, levied, assessed, and collected.

CAP. XXXVII.

An Act relating to the levying, assessing, and collecting of Rates in the City of Saint John.

Section.	Section.
1. Corporation to determine amounts to be assessed.	17. Property left by deceased persons, owned by married women, &c. how to be rated.
2. Detailed estimates to be made by the Common Council.	18. Meaning of terms 'Real' and 'Personal' Estate.
3. Assessors to be annually appointed.	19. Assessment legal, though 10 per cent. in excess.
4. Clerk to Board of Assessors to be appointed.	20. Appeal in cases of over-assessment.
5. Assessors and Clerk to be sworn;	21. Assessors and Clerk may search Office of Registrar of Deeds and Wills.
6. Subject to penalty for refusal to act.	22. Recovery of assessments in cases of delay.
7. Assessors to assess all taxes.	23. Recovery of assessments from non-residents within the City and County.
8. Meaning of terms 'City Taxes' and 'County Taxes.'	24. From non-residents within the Province.
9. Notice to be published by the Assessors.	25. Recovery of assessments due at the passing of this Act.
10. Time allowed for rate-payers to make returns.	26. Recovery of penalties.
11. Assessors to enter in a book names of persons, &c. ratable.	27. Short title of this Act.
12. Special directions as to assessments.	28. Assessments, present and future, to be collected under this Act.
13. Mortgagor in possession to be deemed the owner.	29. Common Council may make ordinances as to assessments, &c.
14. Joint Stock Companies to be assessed;	30. Inconsistent Acts repealed.
15. Agent to be assessed for his income; and to inform as to income of Company.	
16. Stockholders not ratable as such.	

Passed 13th April 1859.

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

1. The Mayor, Aldermen, and Commonalty of the City of Saint John, shall have power on or before the first day of

April in each year, to determine and direct what sum of money shall be raised and levied in the City of Saint John, for the following purposes :—

The maintenance of the Police establishment on the eastern side of the Harbour :

For the scavenger work on the east side :

For lighting the Streets :

For making, repairing, altering, and improving the Streets, Squares, Bridges, and Highways, and the old Burying Ground, on the eastern side of the Harbour, not exceeding the sum of three thousand pounds :

For like purposes on the western side, not exceeding the sum of one thousand pounds :

For the maintenance of the Fire Department on the eastern side of the Harbour, including the erection and keeping in repair a sufficient number of proper Fire Hydrants, not exceeding the sum of one thousand five hundred pounds :

For the maintenance of the Fire Department on the western side of the Harbour, not exceeding five hundred pounds :
Which sums shall not be used or appropriated for any other than the purpose for which they are severally assessed.

2. Separate detailed estimates shall be made up by the Common Council of the said City, of the amount of money required for the above, or any other objects for which they may be authorized to levy an annual assessment, and approved of previous to their ordering any such assessment.

3. The Common Council shall annually in the month of March appoint a Board of three Assessors, not being members of the Common Council, or holding any office of emolument under the Government, and may at their discretion, at any time, remove any of them from office, and fill any vacancy that may occur during the year in such Board by death, removal from office, or otherwise.

4. The Common Council shall annually appoint a Clerk to the Board of Assessors, who shall hold his office during the pleasure of the Common Council.

5. The Assessors and the Clerk shall be severally sworn to the faithful discharge of their respective duties before the Mayor, Recorder, one of the Aldermen, or the Common Clerk.

6. Any person appointed an Assessor or Clerk as aforesaid, who shall neglect to serve and to become qualified, or having

become qualified shall be guilty of any neglect of duty, shall forfeit and pay the sum of five pounds.

7. The Assessors shall make all assessments of City taxes and of County taxes chargeable on the City, and all Warrants of such Assessments shall be directed to them.

8. The Term 'City Taxes' shall be construed to mean all such rates and assessments as shall be imposed by the Common Council upon the City, or any district thereof, by virtue of any Act or Acts of Assembly; and the Term 'County Taxes' shall be construed to mean all such rates, taxes, and assessments as shall be imposed by the Court of Sessions upon the City of Saint John, by virtue of any Act or Acts, for any public purpose of the City and County.

9. The Assessors shall forthwith after receiving their appointments, and becoming qualified, cause public notice of their appointment to be given, by posting up notices in at least six public places in the City, and also by publishing the same in two or more of the City Newspapers, in the following form:—

'The undersigned having been appointed Assessors of Taxes for the City of Saint John, hereby give notice thereof, and that persons intending to furnish statements of their property and income, in pursuance of the provisions of *The Saint John City Assessment Act of 1859*, must do so within thirty days from the publication of this notice.—Dated this day of A. D. .'

A. B.
C. D.
E. F.

10. After the publication of such notice, thirty days shall be allowed to any person to be rated, or his agent to furnish the Assessors with a written detailed statement under oath made before a Justice, of his real estate within the City or District to be taxed, and of his personal estate and income, specifying therein the value of such real estate at its current market value, and the amount of his income, and the amount of his personal estate, after deducting from such personal estate the just debts which he may owe; and the Assessors shall value the real and personal estate and income of the inhabitants, and the real estate of the non-residents, according to the respective statements so made to them, and verified as aforesaid, and no more.

11. The Assessors shall, without delay, after receiving any Warrant of Assessment, meet and enter in a Book to be provided at the public expense, the names of all persons to be rated in the said City, and shall distinguish therein in separate columns, the real estate, personal estate, and income of each person; and shall also make up and enter therein the total amount of City taxes for all purposes in one column, and the total amount of County taxes in another column.

12. All rates levied or imposed upon the said City, shall be raised by an equal rate upon the value of the real estate situate in the City or District to be taxed, and upon the personal estate of the inhabitants wherever the same may be, and also upon the amount of income or emolument derived from any office, place, occupation, profession, or employment whatsoever within the Province, and not from real or personal estate of the inhabitants of the said City, including persons made or declared to be residents or inhabitants by any Act or Acts of Assembly now or hereafter to be in force relating to the impositions of rates, and also upon the capital stock, income, or other thing of joint stock Companies or Corporations as hereinafter provided: For the purposes of this Act, the value of all real and personal estate and joint stock shall be deemed and taken to be, and shall be put down at one fifth of the actual worth thereof, as nearly as the same may be ascertained; provided always, that a portion of the assessment for making, repairing, altering, and improving the streets, squares, bridges, and highways, shall be raised by a tax of five shillings upon the poll of all male inhabitants of the said City, of the age of twenty one years and upwards, not being in indigent circumstances.

13. In cases of mortgaged real estate, the mortgagor shall for the purpose of assessment be deemed to be the owner until the mortgagee shall have taken possession, after which the mortgagee shall be deemed and taken to be the owner.

14. All joint stock Companies or Corporations shall be assessed under this Act in like manner as individuals; and for the purposes of such assessment, the President or any Agent or Manager of such joint stock Company or Corporation, shall be deemed to be owner of the real and personal estate, capital stock, and assets of such Company or Corporation, and shall

be dealt with and may be proceeded against accordingly ; and the principal place of carrying on the business and operations of any such Company or Corporation, shall be deemed to be the place of inhabitancy of such Company or Corporation, and of such President, Agent, or Manager ; and such President, Agent, or Manager, shall, in regard to the real and personal estate, income, or other thing of such Company or Corporation, be assessed separately and distinctly from any other assessment to which he may be liable ; and he may charge against and recover from such Company or Corporation, the amount of any assessment which he may be required to pay on account of such Company or Corporation under the provisions of this Act ; provided that nothing in this Act shall render liable to such assessment the real or personal estate, income, or other thing of the City Corporation, or of any religious, charitable, or literary institution.

15. The Agent or Manager of any joint stock Company or Corporation established abroad, or out of the limits of this Province, who shall carry on business for such Company or Corporation in the City of Saint John, shall be rated and assessed in like manner as any inhabitant upon the amount of income received by him as such Agent ; and for the purpose of enabling the Assessors to rate such Company or Corporation, the said Agent or Manager shall, when required in writing by the Assessors so to do, furnish to them a true and correct statement in writing, under oath, setting forth the whole amount of income received in the City of Saint John during the fiscal year [of said Companies] preceding the making up of the annual assessments : In the event of refusal on the part of such Agent or Manager to furnish the required information, the Assessors shall within ten days after such application therefor, rate and assess the said Agent or Manager according to the best of their knowledge, subject however to the right of the said Agent or Manager to appeal from such assessment as aforesaid : For the purposes of this Section, the Agent or Manager shall be deemed the owner of such income, and shall be dealt with accordingly, but he may recover from the Company or Corporation he represents any assessment he may be called upon to pay on such income as aforesaid ; such assessment shall be made separately and distinctly from any

other assessment to which such Agent or Manager shall be liable !' Provided however, that the assessment on Insurance Companies, or the Agent or Manager of any Insurance Company established abroad, shall be taken on a three years' average of the yearly net profits on insurance of property situated within the said City, or for the whole period for which they may have been doing business in said City, not exceeding three years, such average to be obtained as follows : The Agents shall each year furnish the Assessors with a statement in writing of the aggregate net profits of insurance of property situated within the City, for the three years next preceding that in which the assessment is to be made, or for the whole period for which they may have been doing business in said City, not exceeding three years ; provided further, that Life Insurance Companies, or their Agencies, shall be free from assessment under this Act.

16. No stockholder of any joint stock Company or Corporation liable to be rated under this Act, shall be assessed in respect of any property in or income derived from such Company or Corporation.

17. The estate of deceased persons under control of their executors, administrators, or trustees, the separate property of married women, and the property of minors, or other property under the control of agents or trustees, may be rated in the name of the principal party or parties ostensibly exercising control over them, but under such description as will keep the rating separate and distinct from any assessment on such parties in respect of property held in their own right.

18. In this Act the term 'Real Estate' shall be deemed to signify land, and any buildings or other erections upon land, or any term or terms of years, or present beneficial and productive interest in land ; and the term 'Personal Estate' shall be deemed to signify all goods, chattels, moneys, capital, and effects, and any share or interest therein, and all goods, debts, whether due upon accounts or upon any contract, promissory note, or bond and mortgage, and all public stocks and securities, and any share or interest therein, not being stock in any joint stock Company or Corporation within this Province.

19. In every assessment now or hereafter to be made, such assessment shall be deemed and taken to be legal, although

the aggregate amount thereof shall exceed the sum so ordered to be assessed, provided such excess be not more than ten per centum on the sum so ordered.

20. Any person thinking himself aggrieved by any assessment for City taxes, may appeal, by petition under oath made before a Justice, to the Assessors, who shall duly consider the same; and if they shall deem the party entitled to relief, the Assessors shall make such alteration in their assessment as to them shall appear to be just and right: In case the appellant be not satisfied with the decision of the Assessors, he may appeal to the Common Council, who may either affirm the first or the amended assessment, or otherwise deal with the matter, and their decision shall be final; provided that no such appeal shall be heard or received by the Common Council, unless the said petition, under oath, or a duplicate thereof, be filed in the Common Clerk's office within thirty days after the announcement of the assessment.

21. The Assessors and their Clerk shall have liberty to search the office of Register of Deeds for the City and County of Saint John, to ascertain the amount of property owned by any persons liable to assessment, and the Registrar shall receive for all searches from the Assessors connected with any one individual's property, the sum of one shilling, and no more; which sum so paid by the Assessors shall be allowed and repaid them in addition to any other allowance; provided that such Assessors and Clerk shall only be permitted to search between the time of their appointment and the making of the assessment.

22. If any person assessed shall not pay the amount for which he is liable, either on his own account or in a representative capacity, or if the personal or legal representative of any person assessed, in case of the death of such person before the payment of the assessment, shall not pay the amount of such assessment within ten days after such notice or demand, the Receiver of Taxes may make application to the Police Magistrate of the said City, and upon production of a Certificate purporting to be signed by the said Receiver, of the amount of the assessment, and that the same or any part thereof is due and unpaid, the Police Magistrate shall order and adjudge the person assessed, or his representative as

aforesaid, to pay the amount due; and thereupon execution with costs may be issued and levied against the goods and chattels, or against the body of the person adjudged to pay the said amount, with the same effect as any execution issued by the said Police Magistrate; provided that no person shall be imprisoned more than one day for every two shillings of the amount of the judgment.

23. When the person made liable to pay any assessment under this Act, shall not reside within the City and County of Saint John, the Receiver may sue for the same in his own name, before any Justice in any County where such person may reside; and the like certificate, as in a proceeding before the said Police Magistrate, shall be sufficient evidence of the assessment, and of the amount due thereon, and execution for such amount and costs shall be issued with the like effect as any execution out of a Justice's Court.

24. When the person made liable to pay any assessment, shall not reside within the limits of this Province, or his place of residence shall be unknown to the said Receiver, the Receiver shall cause public notice to be given of such rate and assessment, by advertisement in one or more of the public Newspapers published in the said City; which advertisement shall be continued for three months, unless some person shall within that time appear and pay to the said Receiver such rate and assessment, with the costs of the publication of such notice; and in case no person shall pay the same, it shall be lawful for the said Police Magistrate, on the application of the said Receiver, by warrant under his hand and seal, to order the Sheriff of the City and County of Saint John to sell at public auction, to the highest bidder, (first giving thirty days public notice of such sale,) so much of the real estate in respect of which such assessment shall have been made, as may in his judgment be sufficient to pay such rate or assessment, with all the costs and charges attending the recovery of the same, retaining the overplus, if any, for the use of such owner; and the said Sheriff is hereby empowered and directed to sell the same, and to execute a deed to the purchaser thereof, his heirs and assigns, and to deliver seizin and possession thereof; which deed shall pass all the right, title, and interest of the person assessed, of and in the property so sold.

25. The Receiver shall have power to collect all such City taxes and County taxes as may be outstanding and unsettled at the time of the passing of this Act, and may give the like notice in respect thereto, and take the same proceedings for the collection thereof, as herein provided for assessments made under this Act.

26. All penalties imposed by this Act may be recovered before the Police Magistrate of the said City, and levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of the Police Magistrate as aforesaid, and paid into the hands of the Chamberlain for the use of the City Corporation.

27. This Act may at all times be referred to and designated as 'The Saint John City Assessment Act of 1859.'

28. All assessments which now are or may hereafter be required to be levied annually in the said City, shall be levied, assessed, and collected under the provisions and according to the principles of this Law, any thing in any Law now in force to the contrary notwithstanding.

29. That the Common Council be and are hereby authorized to make such bye laws and ordinances for the making, levying, and collecting of all assessments ordered by the Common Council, as they may from time to time deem necessary and expedient; and also be empowered to make bye laws for the government of the Assessors, their Clerk, and the Receiver of taxes, and to order and direct the mode in which they shall execute their duties, and to impose penalties for the enforcing thereof, not in any one case exceeding ten pounds; provided that no bye law or ordinance shall be repugnant to any part of the spirit and meaning of this Act.

30. So much or such parts of, any Law now in force relating to levying, assessing, or collecting of Rates in the City of Saint John, as are inconsistent with this Act, are hereby repealed, except as to any thing done, pending, or in progress and undetermined under and by virtue thereof; provided that this Act is not in any way to affect the liability of the Collector of taxes, or his sureties, as respects any thing done or omitted, or any default made or to be made by him.

CAP. XXXVIII.

An Act to enlarge the jurisdiction of the City Court of the City of Saint John.

Section.

1. Jurisdiction extended to £10 demands.
2. Right to reduce claims to £10.
3. Process, &c. to be as established for debts of £5.
4. Fees of Aldermen, Common Clerk, and Marshal;
5. Other fees.

Section.

6. Act 13 V. c. 1, for relief of insolvents, extended to suits under this Act.
7. Provisions of Cap. 137, Rev. Stat. extended to suits under this Act.
8. Sitings of Court may be adjourned.
9. Right of review.

Passed 13th April 1859.

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

1. The City Court of Saint John shall have jurisdiction over all actions of debt, when the sum demanded does not exceed ten pounds.

2. The same right to abandon part of a claim originally over ten pounds, so as to reduce it to that amount, and similar proceedings shall be had and allowed in respect to the set off of adverse claims in suits under this Act, as at present existing and in force in actions of debt for five pounds and under.

3. The process, forms, and proceedings, shall be the same as are established, used, and allowed in the said Court for the recovery of debts to the amount of five pounds.

4. The fees in suits for the recovery of any sum over five pounds, shall be as follows:

To the Alderman on every judgment, five shillings;

To the Common Clerk, for the use of the Corporation, for every judgment, five shillings;

To the Marshal executing an execution, three pence for every pound collected over and above the sum of five pounds, in addition to the present fee.

5. All the other fees, costs, and expenses, shall be and remain as by law established and allowed in the said City Court.

6. The provisions of the Act of Assembly 13th Victoria, Chapter 1, relating to the relief of persons confined for debt in the body of the gaol in the City and County of Saint John, shall extend and apply to suits under this Act.

7. The provisions of Title XXXVII, Chapter 137, of the Revised Statutes of New Brunswick, shall extend and apply to suits brought under this Act, and to all matters relating thereto, so far as the same are applicable and not inconsistent with this Act or of the Act 13th Victoria, Chapter 8.

8. The sitting of the said Court may be adjourned from day to day, if it be deemed expedient or necessary for the dispatch of any unfinished business.

9. The same right of review shall be had and allowed in suits for sums over five pounds, as is given in causes tried before a Justice of the Peace by Title XXXVII, Chapter 137, of the Revised Statutes, and the provisions of Section 44 of said Chapter shall be held to apply to proceedings under this Act.

CAP. XXXIX.

An Act in addition to an Act intituled *An Act relating to the Police of the City of Saint John.*

Section.

1. Penalty for using insulting language, &c.
2. Entry on premises where liquors sold; penalty for selling after hours, what.

Section.

3. Larcenies, or receipts of stolen property, triable before Police Magistrate.

Passed 13th April 1859.

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

1. Any person who shall, by insulting or abusive language or behaviour, taunting epithets, or threatening gestures, attempt to provoke another person to commit a breach of the peace, in any part of the City of Saint John, or in any building therein, or whereby a breach of the peace may be committed, shall be liable for each offence to a penalty of not more than forty shillings.

2. That it shall be lawful for the Police force of the said City, or any of them, to enter into any house, place, or premises where liquor is sold; and no licensed Tavern keeper shall sell any liquor in the said City after eleven o'clock at night, under a penalty upon the proprietor of forty shillings, to be recovered before the Police Magistrate in the same manner and to the same effect as any other pecuniary penalty may be recovered at the Police Office of the City of Saint John.

3. Whenever any person shall be charged with the offence of larceny or of receiving stolen goods, whenever the value of the articles stolen does not exceed the sum of five pounds, it shall be lawful for the Police Magistrate of the City of Saint John forthwith to hear and determine such offence, and on conviction by confession or otherwise, to commit the offender

to the Common Gaol or Provincial Penitentiary, at the discretion of the Magistrate, for any period not exceeding twelve months.

CAP. XL.

An Act to authorize the Justices of the Peace for the City and County of Saint John to raise a sum of money for erecting an addition to the Alms House of the said City and County.

Section.

1. Power to erect an addition to Alms House; and
2. To borrow money for the purpose.
3. Certificates of debt to be negotiable.

Section.

4. Annual assessments to discharge the debt.
5. Application of the assessments.
6. Remuneration of County Treasurer.

Passed 13th April 1859.

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

1. The Justices of the Peace for the City and County of Saint John, at any General or Special Sessions to be hereafter holden, are hereby authorized by themselves, or by one or more Committee or Committees of management for that purpose to be appointed, to contract and agree with able and sufficient workmen for erecting and finishing a building or buildings in addition to the Alms House of the City and County of Saint John, not however to exceed the cost of two thousand pounds, and in such manner and form as shall be approved by the said Justices.

2. The said Justices at any such Sessions, are hereby authorized and empowered to borrow such sums of money as may from time to time be required for erecting and completing such building or buildings, not exceeding in the whole the sum of two thousand pounds, to be paid off and discharged in manner hereinafter mentioned, the same to be taken in loans of not less than one hundred pounds; and Certificates or Notes in the following form, or to the like effect, shall be prepared and delivered to the persons from whom such loans may be obtained, to-wit:—

Number —.

SAINT JOHN, SS.—These are to certify, that [*here insert name, residence, and addition of lender,*] hath lent and advanced to the Justices of the Peace for the City and County of Saint

John, the sum of one hundred pounds currency, which sum is payable to him or to his order, together with interest at and after the rate of per centum per annum, pursuant to an Act of Assembly passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to authorize the Justices of the Peace for the City and County of Saint John to raise a sum of money for erecting an addition to the Alms House of the said City and County.*—Dated the day of in the year of our Lord one thousand eight hundred and .

By order of the Sessions.

C. D., Clerk.

 Presiding Justice, [or Mayor, or Recorder, as the case may be.]

Which shall be signed by the presiding Justice, or Mayor, or Recorder, and countersigned by the Clerk of the Peace, and shall be respectively numbered according to the time in which the same may be made and issued, and a memorandum thereof shall be duly entered by the Clerk in the Minutes of the Court.

3. The said certificates or notes shall be negotiable in the same manner as promissory notes, and the holders thereof shall be entitled to receive interest for the same annually, to be paid by the Treasurer of the said County out of the assessments hereinafter mentioned.

4. It shall be lawful for the said Justices of the Peace of the said City and County, and they are hereby authorized and required to make a rate and assessment each and every year, of a sum of money not exceeding four hundred pounds, besides the charge for assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; all which said several sums of money shall be assessed, levied, collected, and paid in such proportions, and in the same manner as other County rates for public charges may be assessed, levied, collected, and paid under and by virtue of any Act or Acts of Assembly made or to be made for the purposes aforesaid.

5. The moneys raised by such assessments shall be applied from time to time, after discharging the interest due on the several loans so contracted, to the payment of the principal sums mentioned in such certificates or notes, in due order according to the numbers, beginning with number one; and

the Treasurer of the said County shall, from time to time, give one month's public notice by advertisement in one of the Newspapers published in the said City, for calling in such and so many of the certificates or notes as he is prepared to pay off, specifying the numbers in such advertisement, and that from and after the expiration of the time mentioned in the said notice, the interest on such certificates or notes shall cease.

6. The County Treasurer shall be entitled to have and retain the sum of one pound per centum on every hundred pounds, for his services in receiving and paying the said moneys so to be assessed under the provisions of this Act, and no more.

CAP. XLI.

An Act to revive and continue the Act relative to the Streets and Squares in the City of Saint John.

Act 9 G. 4, c. 4, revived.

Passed 13th April 1859.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Act made and passed in the ninth year of the Reign of His Majesty King George the Fourth, intituled *An Act relative to the Streets and Squares in the City of Saint John*, be and the same is hereby revived and declared to be in full force and effect until the first day of May in the year of our Lord one thousand eight hundred and eighty.

CAP. XLII.

An Act to authorize the widening of Harding Street, in the City of Saint John.

Section.

1. Commissioners to be appointed by the Governor in Council.
2. Harding Street, how to be widened.
3. Commissioners to have powers, &c. as in Act 18 V. c. 10, and 21 V. c. 46.

Section.

4. Apportionment of assessments.
5. Free cession of property for purposes of this Act.
6. When Corporation of Saint John shall become possessed of land required.

Passed 13th April 1859.

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

1. It shall and may be lawful for the Governor in Council to nominate and appoint three or more Commissioners for performing the duties hereinafter and in that behalf prescribed.

2. Harding Street, in the City of Saint John, shall be widened so as to make a Street of thirty five feet in width ; the northerly line of which shall be a direct line to be drawn from the southwest corner of Mrs. Hammond's house, on the north-west corner of Harding and Germain Streets, to the southeast corner of the house owned by Mr. Edwin Fairweather, situate on the corner of Harding and Charlotte Streets ; and the southerly line of which shall be a line drawn from a point on the east side line of Germain Street, thirty five feet south from the said southwesterly corner of Mrs. Hammond's house, and running parallel with the said northerly line, at an equal distance therefrom throughout, to Charlotte Street aforesaid.

3. The said Commissioners shall have like powers and authorities, and shall be governed by like directions and provisions, in respect to the making of plans and surveys, estimates, assessments, and reports, for the purposes of this Act, as are contained in the Act of Assembly 18th Victoria, Chapter 10, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John*, relating to the duties of Commissioners ; and all the provisions of the said Act, and of an Act made and passed in the twenty first year of Her said Majesty's Reign, intituled *An Act to further amend an Act intituled ' An Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John.'* shall be as applicable to this Act, and shall be read and construed as if they had been herein contained and made applicable to the purpose contemplated by this Act, except in so far as they may be inconsistent with any thing herein contained.

4. One half and no more of the estimated value of the lands, tenements, and hereditaments taken and required for the widening of Harding Street, shall be assessed and apportioned on the parties owning or interested in the lands, tenements, and hereditaments fronting on said Street, and the other half shall be assessed on that part of the City of Saint John lying on the eastern side of the Harbour ; and no assessment shall be made upon the said City, or any part thereof, for the purpose of making and finishing the said Street.

5. The owner of any land or property required for the purposes of this Act, who may be willing to make a free cession thereof, may signify the same to the said Commissioners by note or memorandum in writing, under his hand, which note or memorandum shall be annexed to the Report of the Commissioners, and shall be a bar to any claim that may be set up by the said owner, or any person claiming under him, for or in respect of such land; and the said Commissioners shall omit the said land and property in the estimate and assessment of the value of lands, tenements, and premises required for widening the said Street.

6. The Mayor, Aldermen, and Commonalty of the City of Saint John, shall not become possessed of the lands and premises required for widening the said Street, until they are prepared to pay the amounts assessed, as and for compensation and recompense to the respective owners or persons entitled to receive the same, and shall actually pay or tender the same, or pay the same into the Equity side of the Supreme Court for the benefit of the persons or parties entitled to receive the same, pursuant to the provisions of the Act first above recited, when they may enter and take possession thereof, or of any part thereof, without any suit or proceeding at law, and may take down or remove any building or part of a building, erection, or improvement of any description on the said lands, tenements, hereditaments, and premises, for the purpose of widening the said Street as aforesaid.

CAP. XLIII.

An Act in addition to and in amendment of certain Acts relating to Canterbury Street, in the City of Saint John.

Interest to be allowed, and assessment made for amount due.

Passed 13th April 1859.

WHEREAS the fifth Section of an Act of Assembly made and passed in the eighteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street, in the City of Saint John*, contemplates the payment of interest on the award made by the Commissioners for opening the said

Street, to any person or persons whose lands or property had been taken, on such sum or sums of money as may be due or remaining unpaid, after application has been made by the party or parties whose property has been taken : And whereas the amounts paid previous to the passing of the Act 21 Victoria Chapter 46, are all entitled to interest from the period when due up to the several times of payments made, as equitably due as the sums remaining unpaid at the time of the passing of the aforesaid Act ;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That an Interest Account shall be made up with the several persons who had or have claims for property taken by the Commissioners for opening said Street according to the awards made, charging interest on the awards made from the first day of May one thousand eight hundred and fifty five to the time of payment of any part of the said amount so awarded, deducting amounts paid, and then continuing the balance on interest until a further payment, and so on until the whole principal and interest is fully liquidated ; and it shall be the duty of the Mayor, Aldermen, and Commonalty of the said City of Saint John, and they are hereby empowered and directed to order an assessment forthwith, for the eastern side of the said City, and cause to be collected, and paid over so soon as collected, to the parties to whom the awards have been severally made, such amount as may be required to liquidate in full their respective amounts of interest due as above described.

CAP. XLIV.

An Act to authorize the extension of King's Street, in that part of the City of Saint John called Carleton.

Section.

1. Commissioners, appointment of; oath.
2. Authority to extend King's Street in Carleton.
3. Estimate of lands, &c. required, and apportionment of moiety on parties benefited : Plan and report—effect of.
4. Notice of estimate and apportionment before filing report; objections.
5. Damages, when and to whom payable.

Section.

6. Payments by parties benefited : Assessment for other moiety and expenses.
7. Lien for amount of benefit : Recovery.
8. Notice and conveyance by Sheriff : Agreements : Payments by wrong parties.
9. Acts of majority of Commissioners binding.

Passed 13th April 1859.

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

1. It shall be lawful for the Governor in Council to appoint, and also to reappoint and supply as it may be necessary and expedient, three or more discreet and disinterested persons, as Commissioners to perform the duties hereinafter prescribed for them; who shall be sworn to the faithful performance of the trust and duties reposed in and required of them by this Act, previously to their entering upon the same.

2. The Mayor, Aldermen and Commonalty of the City of Saint John, are hereby authorized and empowered to extend and continue King's Street, in that part of the City of Saint John called 'Carleton,' from its present northeasterly termination at its intersection with the southwesterly line of Union Street, in a direct line with the present line of King's Street, and of the same width of ninety feet to the easterly side line of a cross-street between blocks A and B, as shewn on the plan of subdivision of Carleton Flats on file in the office of the Common Clerk, a distance of six hundred and forty feet; and it shall be the duty of such Commissioners forthwith to enter upon the duties of their appointment, and cause a survey and plan of the said proposed extension, and the several lots of land fronting thereon, to be made and prepared; and for that purpose and for any purpose connected with the continuation or extension of the said Street, the said Commissioners, or their employees, shall have full power and authority to enter into and upon the lands and tenements situate or being upon or near the said proposed extension, or for any other purpose connected with the said extension.

3. The said Commissioners, so soon as they shall have caused such survey and plan to be made, shall proceed to make a just and equitable estimate of the value of the lands, tenements, and hereditaments required for continuing and extending the said Street; and shall assess and apportion the half of the amount of such estimated value on all the parties owning or interested in any lands, tenements, and hereditaments fronting on the said extension, or lying in the vicinity thereof, and in the discretion and opinion of the Commissioners to be benefited by such extension, according to the best of their judgment, in proportion to the benefit accruing to such parties respectively from the extension of the said Street; and shall thereupon file the said plan with the Common Clerk of the

said City, as and for a record of their doings in this respect, and shall forthwith report their proceedings and all matters and things connected with their duties as such Commissioners, to the Common Council of the said City; and in the said Report the Commissioners shall set forth the names of the respective owners, lessees, parties, and persons entitled to or interested in such lands, tenements, hereditaments, and premises mentioned in the said Report, and each and every part and parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the respective lots or parcels of land, tenements, hereditaments, and premises fronting upon the said extension, or lying in the vicinity thereof, so assessed by the said Commissioners for the said benefit as aforesaid, and also the several and respective sums estimated and assessed as and for the compensation, recompense, or the allowance to be made for the value of the land, tenements, hereditaments, and premises so taken for the purposes aforesaid, as also the sums assessed upon the same for the benefit and advantage of the respective owners of the fee or inheritance of such lands, tenements, hereditaments, and premises respectively, or for the compensation or damages, and for the assessment for the benefit of the respective owners of the leasehold estate or other interest therein, separately; but in all and each and every case and cases when the owners and parties interested, or their respective estates and interests are unknown or not fully known to the Commissioners, it shall be sufficient for them to estimate and assess, and to set forth in their said Report in general terms the respective sums to be allowed and paid to or by the owners or proprietors generally of such lands, tenements, hereditaments, and premises, and parties interested therein, for the compensation and damage, and for the assessment for the benefit and advantage of such owners, proprietors, and parties interested in respect of the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments, and premises respectively, by and in consequence of the extension of the said Street, without specifying the names, or the estates, or interest of such owners, proprietors, or parties interested, or of any or either of them; and upon the coming in and filing of such

Report, the same shall be final and conclusive, as well upon the Mayor, Aldermen and Commonalty of the City of Saint John, as upon the owners, lessees, parties, or persons interested in and entitled unto the lands, tenements, hereditaments, and premises mentioned in the said Report; and the said Mayor, Aldermen and Commonalty, shall become possessed of all the said lands, tenements, hereditaments, and premises in the Report mentioned, that shall or may be so required for the purpose of extending the said Street, the same to be appropriated, converted, and used to and for such purposes accordingly, and for none other whatsoever; and thereupon the said Mayor, Aldermen and Commonalty, or any person or persons acting under their authority, may at any time or times thereafter, except as hereinafter provided, take possession of the same, or any part or parts thereof, without any suit or proceedings at law for that purpose; and may at any time thereafter take down and remove all buildings, or parts of buildings, erections, or improvements of any description whatsoever, on the said lands, tenements, hereditaments, and premises; provided that it shall not be lawful for the said Commissioners to allow any sum or compensation whatsoever for any building or buildings which may after the passing of this Act be built, placed, or erected in part or the whole on such part or parts of the said lands, tenements, hereditaments, and premises, that may be required for the extension of the said Street; provided always, that the said Mayor, Aldermen and Commonalty, shall not proceed to extend the said Street, or take possession of any such lands, tenements, hereditaments, and premises, until after the several sums or assessments required to be assessed in this Section, or so much thereof as may be necessary to pay for the land, tenements, hereditaments, and premises required to be taken for the purposes of this Act, shall have been levied and collected, and the said Mayor, Aldermen and Commonalty, are prepared to pay the several sums allowed as and for compensation for the lands, tenements, hereditaments, and premises so required for the extension of the said Street, and shall actually pay or tender the amounts to the several and respective persons and parties entitled to receive the same, their authorized agents or representatives; provided that whenever the persons or parties, any or either

of them, in whose favour any such sum or sums or compensation shall be so reported, shall be under the age of twenty one years, non compos mentis, femme covert, or absent from the City of Saint John, and also in all cases where the name of the owner or owners, parties or persons entitled unto or interested in any lands, tenements, hereditaments, or premises that may be so required for any of the purposes aforesaid, shall not be set forth or mentioned in the said Report, or when the said owners, parties, or persons respectively being named therein, cannot upon diligent enquiry be found, it shall be lawful for the said Mayor, Aldermen and Commonalty to pay the sum or sums mentioned in the said Report payable or that would be coming to such owners, parties, or persons respectively, into the Equity side of the Supreme Court of this Province, to be secured, disposed of, and improved, as the said Court shall direct; and such payment shall be as valid and effectual, to all intents and purposes, as if made to the said owners, parties, or persons respectively, themselves, according to their just rights, if they had been known, present, of full age, discoverd, or compos mentis.

4. The said Commissioners, after completing their said estimate and assessment, and at least fourteen days before they make their Report to the Common Council, shall deposit a true copy or transcript of said estimate and assessment in the office of the Common Clerk of the said City, for the inspection of whomsoever it may concern, and shall give notice, by advertisement to be published in at least two of the public Newspapers printed in the said City, of such deposit, and of the day on which it will be finally filed as and for a record of their proceedings; and any person or persons whose right may be affected thereby, and who shall object to the same or any part thereof, may within ten days after the first publication of the said notice, state his, her, or their objections to the same in writing to the said Commissioners, or such of them as shall have made such estimate and assessment, and the Commissioners, in case objections shall be so made, shall reconsider their said estimate and assessment, or the part or parts thereof so objected to; and in case the same shall appear to them to require correcting, but not otherwise, they shall and may correct the same accordingly; but should the Commissioners

adhere to their original opinion, and notify the party objecting thereof, then it shall be lawful for the party interested objecting, to nominate, by writing, within five days after receiving such notice, one arbitrator, and the Commissioners shall name another, and they two shall name a third, who shall arbitrate and determine the question, provided their award, or the award of any two of them, is made in writing, and filed in the office of the Common Clerk within two days from the date of the appointment by the Commissioners of the arbitrator, in which case the Commissioners shall correct the estimated assessment agreeably to such award.

5. The said Mayor, Aldermen, and Commonalty shall, within one calendar month after the said several assessments made and to be made as herein provided for the purposes of this Act, are collected and received by them, pay to the respective persons and parties mentioned and referred to in the said Report, in whose favour any sum or sums of money shall be estimated and reported by the said Commissioners, or otherwise deal with as in the third Section of this Act is provided, the respective sum or sums so estimated and reported in their favour respectively, deducting in each case any sum or sums that such parties respectively may in the said Report and assessment of the Commissioners be declared liable to pay by reason of the benefit to them respectively accruing from the extension of the said Street; and in case of neglect or default in payment, according to the intention and requirements of this Act, within the time aforesaid, the respective person or persons, party or parties in whose favour the same shall be so reported, his, her, or their executors or administrators, at any time or times after application first made by him, her, or them, to the said Mayor, Aldermen and Commonalty in Common Council convened, for payment thereof, may sue for and recover the same, with lawful interest from and after the application therefor, and the costs of suit, in an action of debt or assumpsit against the said Mayor, Aldermen and Commonalty, in any Court having cognizance thereof, and in which it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this Act. for premises reported as required for the purpose herein mentioned; and it shall be lawful for the plaintiff or plaintiffs to give any special

matter in evidence under general declaration ; and this Act and the Report of the said Commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action.

6. The respective sums or assessments so to be assessed and reported by the said Commissioners, as and for the allowance to be made by the parties and persons respectively in the said Report mentioned as owners and proprietors of, or parties interested in lands and tenements deemed to be benefited by the extension and continuation of the said Street, as mentioned in the said Report, shall be borne and paid to the said Mayor, Aldermen and Commonalty, by the said parties and persons respectively ; and the residue or remainder, being a moiety or half part of all the moneys which may be due for and on account of the sums or estimates of compensation and recompense that may be reported by the Commissioners in favour of the respective persons and parties deemed to be entitled thereto, and any sum necessary for making and finishing the said extension, and also all expenses, disbursements, and charges, which may arise or be incurred under the provisions of this Act, shall and may be assessed on that part of the said City of Saint John which lies on the western side of the Harbour ; and the said Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, are hereby authorized and required to order and direct the said residue and remainder, being one moiety or one half of the said moneys, and the expenses hereinbefore mentioned, together with the charges of assessing, levying, and collecting the same, to be forthwith assessed, levied, collected, and paid in such proportions and in the same manner as any rates for public charges are or may be assessed, levied, collected, and paid under and by virtue of any Act or Acts of Assembly made or to be made for assessing, levying, and collecting rates for County, Town, or Parish charges.

7. The several and respective sums or assessments hereinbefore directed to be paid to the said Mayor, Aldermen, and Commonalty, shall be a lien or charge on the lands, tenements, hereditaments, and premises in the said Report of the Commissioners mentioned, or upon the estate and interest of the respective owners and proprietors thereof, or parties interested

therein; and as well the said owners and proprietors thereof, and parties interested therein, as also the occupants of each and every of them, shall moreover be respectively liable to pay on demand the respective sum or sums mentioned in the said Report of the Commissioners, at which the respective lands, tenements, hereditaments, and premises so owned and occupied by him or them, or wherein he, she, or they, are so interested, or at which the owners or proprietors thereof shall be so assessed, to such person or persons as the said Mayor, Aldermen and Commonalty shall appoint to receive the same; and in default of payment of the same, or any part thereof, it shall be lawful for the Mayor of the said City, by Warrant under his hand and seal, to levy the same, with lawful interest thereon, from and after thirty days from the time of the filing of the said Report of the Commissioners, together with the charges and expenses to be had for the collection thereof, by distress and sale of the goods and chattels of such owner and owners, occupant or occupants, or party or parties interested, so refusing or neglecting to pay the same, rendering the overplus, if any there be, after deducting all just charges, to [which] owner or owners, occupant or occupants, or party or parties interested; or the said respective sums, with lawful interest as aforesaid, may be recovered, with all costs and charges, by the said Mayor, Aldermen, and Commonalty, from and against the owner or owners of the respective lands, tenements, hereditaments, and premises whereon or in respect of which the same may be assessed or set forth in the said Report of the Commissioners, or from or against any or either of them, the said parties or owners, without joining any other or others of them, the said parties or owners therein, by action of debt or assumpsit, in which it shall be sufficient to declare generally for so much money due by virtue of this Act to the said Mayor, Aldermen and Commonalty, and every matter may be given in evidence after such general declaration; or the same may be recovered by sale of the respective lands, tenements, hereditaments, and premises, for and on account of which the said respective sums shall be so assessed: And it shall be the duty of the Mayor of the City of Saint John, upon the requisition of the person so appointed to receive the said sums or assessments, and after demand of such person of any sum of money which is

hereby declared to be a lien or charge upon any such lands, tenements, hereditaments, and premises, of and from the owner or owners, any or either of them, of such lands, tenements, hereditaments, and premises, in respect of which the said sum or sums shall have been so assessed; or from and after twenty days after such requisition published in the Royal Gazette, and one or more of the Newspapers published in the City of Saint John, by Warrant under his hand and seal, directed to the Sheriff of the City of Saint John, to cause the said lands, tenements, hereditaments, and premises to be sold at public auction, and out of the proceeds thereof, the amount of the assessment against the owner or owners thereof, or parties interested therein, together with lawful interest thereon, to be paid to such receiver, and the overplus, if any, arising from such sale, after deducting all just charges and expenses, to be paid to the owner or owners of the lands, tenements, and hereditaments so sold as aforesaid, or person or persons entitled to receive the same; or if he, she, or they cannot, upon diligent enquiry be found or ascertained to the satisfaction of the said Mayor, then to be paid into the Equity side of the Supreme Court of this Province, to be secured, disposed of, or invested as the said Court shall direct.

8. The Sheriff shall give ten days notice of the time and place of such sale, in two or more of the Newspapers published in the City of Saint John, and shall execute a Deed or Deeds of the lands, tenements, and hereditaments so sold, to the purchaser or purchasers thereof, which shall be good and effectual to pass the title thereto as against the owner, and all and every person and persons made liable to pay any sum or sums of money in respect thereof, under and by virtue of this Act, and for payment and collection of which the said lands, tenements, hereditaments, and premises shall have been sold as aforesaid: Nothing in this Act contained shall affect any agreement between landlord and tenant, or any other contracting parties as between themselves, respecting the payments of any such assessments or charges as aforesaid, but they shall be answerable to each other in the same manner as if the provisions in this Act contained concerning the same had not been made; and if any money so to be assessed be paid by, or collected, or recovered from any person or persons, when by

agreement or law the same ought to have been borne and paid by some other person or persons, it shall be lawful for the person or persons paying the same, or from whom the same shall be recovered by distress, suit, or otherwise, to sue for and recover the money so paid by or recovered from him or them, with interest and costs, as so much money paid for the use of the person or persons who ought to have paid the same; and the said Report of the Commissioners, with proof of payment, shall be conclusive evidence in the suit.

9. In all cases, the acts, decisions, and proceedings of the major part of the Commissioners so to be appointed for the purposes of this Act, who shall be acting in the premises, shall always be as valid, binding, and effectual, as if all the Commissioners had concurred or joined therein; and such of the Commissioners who shall enter upon the duties of their appointment shall be entitled to receive such sum for each day they shall be respectively actually employed thereon, as the said Mayor, Aldermen and Commonalty shall name, to be paid by the said Mayor, Aldermen and Commonalty, and included in the before mentioned sums of money, and considered part of the disbursements and expenses incurred by virtue of this Act, besides all reasonable expenses of maps, surveys, and plans, clerk-hire, and other necessary expenses and disbursements.

CAP. XLV.

An Act to amend the Act intituled *An Act to incorporate the Town of Moncton.*

Section.

1. Qualification of voters for Mayor, &c.; Freemen, who deemed: List of voters for election-officers: Prepayment of taxes.

Section.

2. Assessment lists for each ward to be filed.
3. Fee for registration as a Freeman.
4. Act 18 V. c. 66, sec. 6 and 7, repealed.

Passed 13th April 1859.

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

1. That no person shall be qualified to vote for Mayor, Councillors, and Assessors, unless he be a freeman, an inhabitant, or a freeholder of the said Town of Moncton, of the age of twenty one years; and no person shall be qualified

to vote as a freeman, unless he shall have been registered 'Freeman,' at least three months before the day of election, and shall have actually resided in the said Town for one calendar month next preceding such election; and no person shall be qualified to vote as a freeholder, unless he shall have been assessed on real estate at the last general assessment of the town rates preceding such election; and the Town Clerk of the said town do at least six days before the day of election, prepare alphabetical lists of the Freemen of the said town, to be taken from the Records of Town Freemen, which shall be kept by the Town Council for that purpose, and of all persons assessed on real estate, to be taken from the last general assessment list filed in the office of the Town Council, of all persons qualified under this Act to vote in each Ward at such election, and shall on or before ten of the clock in the morning of the day appointed to hold any election under this Act, deliver to each of the officers appointed to hold the same, a copy of the Registry or List for the Ward, in which he is to preside; and no person whosoever, whether freeman, or freeholder, shall be entitled to vote unless he shall have paid previous to the day of election all rates and taxes due previous to such election; the evidence of such payment shall be a receipt from the Collector of rates, who is hereby required to furnish the same, under a penalty of forty shillings for each refusal.

2. That it shall be the duty of the Assessors in each and every year to file a copy of the assessment lists for each Ward with the Town Clerk, within one month after the same shall be made up.

3. That the Town Council shall demand and receive from all persons born within the limits of the said Town, the sum of two shillings and six pence, and from all other persons not less than twenty shillings, nor more than forty shillings, for registering his name in such Register of Freemen as aforesaid; which sum shall be considered as revenue for the Town.

4. That the sixth and seventh sections of an Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act to incorporate the Town of Moncton*, be and the same are hereby repealed.

CAP. XLVI.

An Act for establishing and maintaining a Police Force in the Town of Chatham, in the County of Northumberland.

Section.

1. Police Force, appointment of; powers and duties.
2. Salaries, powers, duties, &c. by whom to be fixed and defined.
3. Power to apprehend disorderly persons.
4. Additional powers of Justices resident in Chatham.
5. Certain Sections in 11 V. c. 12, extended to Chatham.
6. Agreement for lighting the Town with Gas authorized.

Section.

7. Premises for Lock-up House may be hired; certain Acts extended thereto.
8. Annual assessment authorized.
9. When regulations by Justices in Session to be in force.
10. Fines, &c. to be paid monthly to County Treasurer.
11. Treasurer to receive and account for moneys.
12. Fees received by Police for Constables' duties, how to be disposed of.
Table of Fees.

Passed 13th April 1859.

WHEREAS offences against the peace as well as injuries to property have become frequent in the Town of Chatham, and it is expedient to establish an efficient system of Police in the said Town;—

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

1. The Justices of the Peace for the said County shall and may at any General Sessions, or at any Special Sessions to be for that purpose called, appoint a sufficient number of fit and able men, not exceeding four, to be and act as a Police force within the Town of Chatham, who shall be severally sworn in by any Magistrate of the said County, to act as Constables for the preserving the peace, and the preventing all felonies, and apprehending offenders against the peace; and the men so sworn shall within the said Town have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities as any Constables duly appointed now has, or hereafter may have, or is, or may be liable to within his constablewick, by virtue of the Common Law, or any Statute or Act of Assembly made or to be made, and shall obey all such lawful commands as they or any of them may from time to time receive from any Justice of the Peace within the said Town for conducting themselves in the execution of their office.

2. The Justices of the Peace for the said County at any General Sessions, or at any Special Sessions for that purpose called, shall have power, by regulations to be by them made,

to fix the salaries and allowances of the persons to be employed under this Act, and define the powers and duties of the said Policemen or Constables, and the district within which such powers and duties shall be exercised and performed; provided that in no case shall any greater or further power be given to any of such Policemen than is now by law given to the Policemen in the Parish of Portland, in the City and County of Saint John.

3. That it shall and may be lawful for any Constable belonging to the said Police force, during the time of his being on duty, to take into custody, without warrant, all loose, idle, and disorderly persons, whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of having committed or being about to commit any felony, misdemeanor, or breach of the peace, and all persons whom he shall find between the hours of nine P. M. and five o'clock A. M., during the months of March, April, May, June, July, August, September, and October, or between the hours of seven o'clock P. M. and six o'clock A. M. during the months of November, December, January and February, lying or lurking in any highway, yard, or other place, and not giving a satisfactory account of himself or themselves; and also to take into custody without warrant as aforesaid, any person who within the limits of the Town aforesaid, shall be charged by any other person with committing any aggravated assault, in every case in which such Constable shall have good reason to believe that such assault has been committed, although not within view of such Constable, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender, in order that such person may be secured until he can be brought before a Justice of the Peace in the said Town, to be dealt with according to law.

4. The Justices of the Peace residing within the Town of Chatham shall, in addition to the powers they now by law possess, be invested with and shall exercise and execute all such other duties and powers as shall be in this Act specified.

5. The sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty second, twenty ninth, thirtieth,

thirty first, thirty fifth, together with the Schedules A and B therein referred to, *mutatis mutandis*, thirty seventh, thirty eighth, thirty ninth, and fortieth Sections of an Act made and passed in the eleventh year of the Reign of Queen Victoria, intituled *An Act for establishing a Police Force in the Parish of Portland, in the City and County of Saint John*, shall extend and apply to the Town of Chatham, to all intents and purposes; and all and every the offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things contained in the said several Sections respectively, shall be created, incurred, and be observed, practised, and put in execution in the Town of Chatham aforesaid, as fully and effectually to all intents and purposes, as if the said offences, penalties, forfeitures, powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters, and things, were severally, particularly, and respectively repeated and re-enacted, and were declared in the body of this Act, and shall severally be applied, construed, deemed, and taken to belong to this Act, in like manner as if the same had been enacted herein; provided always, that the recognizance mentioned in the thirty first Section, and the bond mentioned in the thirty seventh Section of the said Act, shall be taken in the name of the Justices of the Peace for the County of Northumberland, in lieu of the Commissioners therein mentioned; and in case of forfeiture of such bond, the said Justices of the Peace for the County of Northumberland, shall by that name have power to sue for and recover the amount of the same, to be by them paid to the County Treasurer for the purposes of this Act; and the several powers and authority given to, and the duties to be performed by the Police Magistrate, under the several provisions of the said Act for establishing a Police force in the Parish of Portland, in the City and County of Saint John, and in this Section enumerated, shall be exercised, enforced, and performed by any Justice of the Peace of the County of Northumberland residing within the limits of the said Town of Chatham.

6. The Justices of the Peace for the said County in General Sessions convened, are hereby authorized to make agreements for the erection, in the public Streets of the said Town, of such

number of lamps and lamp posts, not exceeding six, and the lighting of the same with gas, as they shall from time to time think necessary.

7. And whereas there is at present no Lock-up House or place of security for the confinement of offenders within the said Town of Chatham, and the removal to and from the County Gaol of persons committed for offences against this Act, would often prove inconvenient and tend greatly to the delay and hinderance of proceedings under this Act; for remedy whereof, and until a Lock-up House shall be erected in the said Town, the Justices of the Peace for the said County may and they are hereby authorized and empowered, from time to time, at any General Sessions or at any Special Sessions for that purpose to be called, to hire such building or place within the limits of the said Town as to them shall seem suitable and meet to be a Lock-up House; and when such building or place shall be so hired and set apart as a Lock-up House for the said Town, all the provisions contained in the second, third, fourth, and fifth Sections of the Act passed in the fifth year of the Reign of Her present Majesty, intituled *An Act to authorize the Justices of the Peace for the County of Northumberland to erect a Lock-up House in the Town of Chatham, in the said County*, shall extend to and be in full force as fully as if the said building had been erected under the provisions of the said Act, or the Act in addition to and amendment thereof, made and passed in the sixteenth year of Her Majesty's Reign.

8. The Justices of the Peace for the said County, at the General Sessions to be held in January in each year hereafter, are hereby authorized to make a rate and assessment of a sum not exceeding, for any one year, the sum of one hundred and fifty pounds, to defray the expenses of supporting and maintaining the said Police establishment; such expenses to include the rent of the said Lock-up House, the salaries and allowances of and for the said Constables, and towards the payment of the Keeper of the said Lock-up House; the costs and charges of erecting, repairing, and lighting the said gas lamps; the allowances or payments to the Assessors and Collectors; and all the costs, charges, and disbursements, incidental to and necessary for the efficient maintenance and support of the said Police establishment, and its appurtenances in general: such

assessment to be levied and collected on the inhabitants and property in such County, residing or being situate on the front lots, between the lower side of Clarke's Cove and the upper side of Saint Andrew's Church, in the said Parish of Chatham, including all the inhabitants of the said Parish being within the above limits, being owners or occupiers of any house or houses within the same, and all the real property within such limits; which sum, subject to the limits aforesaid, shall be assessed, levied, and paid, agreeably to any Act now or which may hereafter be in force for the assessing, levying, and collecting County rates; and when recovered or collected, shall be paid over to the County Treasurer for the said County of Northumberland, and held and applied under the direction of the Justices of the Peace for the said County, for the purposes of this Act.

9. The rules and regulations to be made from time to time by the Justices of the Peace for the said County, in General Sessions, under this Act, shall not be in force until the same have been submitted to and approved of by the Governor in Council: such rules and regulations, when so approved, shall be filed in the office of the Clerk of the Peace for the said County, and a certified copy under his hand shall be published in a Newspaper printed in the said Town of Chatham, or in the Royal Gazette; and the production of such Newspaper, with such rules and regulations published therein, shall be *prima facie* evidence of such rules and regulations.

10. All sums of money recovered or received for fines, penalties, and forfeitures incurred and paid under or by virtue of any of the provisions of this Act, for any offence committed within the limits of the said Town of Chatham, shall be paid on the first Monday of every month to the County Treasurer.

11. The County Treasurer shall receive all sums of money raised by assessment, and all fines, penalties, and forfeitures incurred and paid, from any Collector, Magistrate, Constable, or other person paying the same for the purposes of this Act; and he shall keep and hold the same as a separate fund for the purposes of this Act, to be paid over by him from time to time under the order of the General Sessions of the Peace for the said County.

12. All fees received by any of the said Police for performing the duties of Constables, shall be paid over as received to the

Magistrate by whose direction he shall have performed the duty, to be paid over to the County Treasurer in the same manner as fines and penalties are directed to be paid over.

TABLE OF FEES TO BE CHARGED AND TAKEN UNDER THIS ACT.

Every summons or subpoena, - - - -	£0	1	0
Every copy, - - - -	0	0	6
Every warrant, - - - -	0	1	6
Every recognizance to appear and take trial, - -	0	1	0
Every recognizance to keep the peace, - -	0	2	0
Every affidavit and swearing, - - - -	0	1	0
Taking evidence on trial of each witness, - -	0	1	0
Every trial and conviction, - - - -	0	2	0
Copy proceedings furnished to any party requiring the same, per folio, - - - -	0	0	6
Constables' fees, and Policemen acting as such, the same as provided for Constables in civil suits before Justices.			

CAP. XLVII.

An Act to repeal an Act intituled *An Act to provide for the better support of the Poor in certain Parishes in the County of Northumberland*, and make other provisions in lieu thereof.

Section.

1. Act 5 G. 4, c 23, repealed.
2. Justices authorized to erect an Alms House and Work House in Newcastle.
3. Commissioners of management, appointment; powers;
4. Empowered to make rules, and punish;

Section.

5. To render annual accounts and estimates;
6. May contract with Overseers of Poor of other Parishes.
7. Profits of labor, account & application of.
8. Buildings may be hired until erections completed.

Passed 13th April 1859.

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

1. That an Act made and passed in the fifth year of the Reign of His Majesty George the Fourth, intituled *An Act to provide for the better support of the Poor in certain Parishes in the County of Northumberland*, be and the same is hereby repealed.

2. The Justices of the Peace for the County of Northumberland, in their General Sessions, be and they are hereby authorized and empowered to agree for the erecting and finishing a proper building for an Alms House and Work House in the Town or Parish of Newcastle, and to fix upon a certain

sum of money for defraying the expense thereof; which sum of money shall be raised by an assessment upon the inhabitants of the said Parish of Newcastle, and such other Parishes in the said County as may agree and associate together to assess themselves for the erection of the said Alms House and Work House, in the manner provided by any law in force for assessing, collecting, and levying County rates, provided that such assessment shall not exceed the sum of five hundred pounds.

3. It shall and may be lawful for the Lieutenant Governor and Commander in Chief of the Province, by Warrant under his hand and seal, to be issued by and with the advice of Her Majesty's Council, from time to time to appoint so many fit persons, not exceeding seven nor less than five, not more than two of whom shall be Justices of the Peace, to be Commissioners for superintending and managing the said building so to be erected for the purposes aforesaid; and that it shall and may be lawful for the said Commissioners from time to time to provide such materials and things as they shall judge necessary, for the setting to work and employing such poor persons, of what age or sex whatever they be, who may apply for relief, and shall be able to work; and shall have power and authority, at their discretion, to compel such idle or poor people, begging or seeking relief, as do not betake themselves to some lawful employment, or who do or shall hereafter seek or receive alms of any of the said Parishes, or who may stand in need of relief from any of the said Parishes, to dwell, inhabit, and to work at the said Work House, and to do all such work as they shall think them able and fit for; and shall have the same powers to bind out poor children apprentices, as are by the laws of this Province given to the Overseers of the Poor in the several Towns or Parishes in this Province.

4. The said Commissioners so to be appointed as aforesaid, shall have power to make such rules, orders, and regulations for the good government and management of the said Alms House and Work House, as they shall find necessary, (such rules and regulations to be approved of by the said Justices in their General Sessions,) and to inflict such correction and punishment, by solitary confinement or otherwise, from time to time as to them shall seem reasonable, on any person or persons within the said Alms House or Work House, who shall

be set to work and shall not conform to such rules, orders, and regulations to be made as aforesaid, or shall misbehave in the same.

5. The said Commissioners shall, at the January Term of the General Sessions of the Peace to be holden for the said County, annually lay before the Justices in their said Sessions, an account, to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the Poor of the said Alms House and Work House for the past year, together with an estimate of what sum or sums of money will be needful for the maintenance or employment of the poor of the said Alms House and Work House for the current year; in which estimate shall be stated the proportion that each Town or Parish ought to pay, according to the number of persons that each Town or Parish shall have in the said Alms House, or committed to the care of such Commissioners, to the intent that no other levy or assessment may be made for any other maintenance or allowance to or for any such person.

6. The Commissioners to be appointed in pursuance of this Act, shall have full power and authority to contract and agree with the Overseers of the Poor of any Parish in the said County, or of any adjoining County of this Province, for the maintenance of any poor persons belonging to such Parishes respectively; which contract and agreement such Overseers are hereby authorized and empowered to make: provided always, that such Overseers shall pay or secure to be paid to the said Commissioners, such sum or sums of money as shall be so agreed for, and shall also report to the said Commissioners the names, character, and condition of all such poor persons within the said Parishes respectively, in whose behalf such application shall be made.

7. The profits of any work or labour to be performed under the direction of the said Commissioners, shall be duly accounted for by them, and applied towards the support and maintenance of the persons inhabiting within the said Alms House and Work House.

8. Until such time as a proper building shall be erected and prepared within the said Town or Parish of Newcastle, for the purposes by this Act contemplated, it shall and may be lawful for the Commissioners to be appointed as hereinbefore

mentioned, to hire and make use of any other building or buildings, within the said Town or Parish of Newcastle, which they shall think fit and convenient for an Alms House and Work House, in manner and form as by this Act is prescribed.

CAP. XLVIII.

An Act to explain Chapter 69, Title X, of the Revised Statutes, 'Of the Commissioners of Sewers for the Parish of Sackville.'

Section.

1. Elections to be triennial, on third Tuesday in April.

Section.

2. Previous elections not void for error in time.

Passed 13th April 1859.

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

1. That the election for the Commissioners for the several Districts be held on the third Tuesday in April in the year of our Lord one thousand eight hundred and fifty nine, and on every third Tuesday in April in every third year thereafter.

2. That in no case shall the elections of the Commissioners for the several Districts or any of them, heretofore had, be deemed void, because of the times at which such elections were held, but such elections, and every of them, shall be deemed to have been held at the times required by law, and all Commissioners so elected shall be considered as having been and being invested with all the powers of Commissioners elected under the said Act.

CAP. XLIX.

An Act to extend the provisions of an Act intituled *An Act relating to the Election of Commissioners of Sewers for the Marshes around Bay Verte, in the County of Westmorland*, to the Marsh situate in Botsford, in the said County, known as Berrage Point Marsh.

Provisions of 18 V. c. 52, extended to Berrage Point Marsh.

Passed 13th April 1859.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the provisions of the Act

intituled *An Act relating to the Election of Commissioners of Sewers for the Marshes around Bay Verte, in the County of Westmorland*, be and the same are hereby extended to the Marsh situate in Botsford, in said County, on the easterly side of Gaspereau River, and running from the Bay Verte shore, northerly along said River, to the mouth of Timber River, known as 'Berrage Point Marsh.'

CAP. L.

An Act to divide the Parish of Brighton, in the County of Carleton.

Section.

1. Parish of 'Peel' erected;
2. Boundary lines.
3. *Pro tem.* Parish officers.

Section.

4. Parish Clerk for Peel, appointment of; List of rate-payers.
5. Apportionment of property and debts.

Passed 13th April 1859.

WHEREAS the great extent of the Parish of Brighton renders it very difficult for Parish Officers to perform their duties, and is otherwise inconvenient;—

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

1. That all that part of the said Parish of Brighton lying north of Lot No. 61, and west of the hereinafter described boundary line, shall be erected into a separate Town or Parish, to be called the Town or Parish of Peel.

2. The line dividing the said Parish of Peel from the Parish of Brighton, shall be the upper line of Lot No. 61, granted to John Flannagan, in the grant to William Turner and others, and its easterly prolongation, until it meets the rear line of the first tier of lots on the northwest side of the River Becaguimic; thence along the said rear line, and its prolongation, northeasterly, to the Cold Stream, and thence following the centre of the same, up stream, until it intersects the upper boundary of the Parish of Brighton.

3. The Parish officers of the Parish of Brighton shall perform the duties of Parish officers in the said Parish of Peel, until Parish officers shall be elected or appointed for the said Parish of Peel.

4. The Councillors for the Parish of Brighton shall appoint a fit person to act as Parish Clerk for the said Parish of Peel,

at least forty days before the next annual election of Councillors for the County of Carleton; and the Collector of Taxes for the Parish of Brighton shall furnish the said Parish Clerk for the Parish of Peel, with a correct list of the rate-payers on property, who shall have paid their taxes in the said Parish of Peel, in like manner and at such time as Collectors of Taxes are now required to furnish the Parish Clerks with lists of rate-payers according to Law.

5. All property belonging to the said Parish of Brighton, and all debts owing by the said Parish shall be divided between the said Parishes of Brighton and Peel, in such portions as the Municipal Council of Carleton County shall assign to each of those Parishes.

CAP. LI.

An Act to erect parts of the Parishes of Greenwich and Springfield, in King's County, into a separate Town or Parish.

Section.

1. Parish of 'Kars' erected from parts of Greenwich and Springfield.
2. Kars to have same privileges as other Parishes.
3. Act when to come into effect, and what not to interfere with.

Section.

4. Parish officers for Kars, election and subjection of.
5. Clerk for election of Parish officers, who may appoint.

Passed 13th April 1859.

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

1. All that part of the present Parish of Greenwich which lies to the eastward of the River Saint John, and that part of the present Parish of Springfield which is bounded on the east by the eastern side lines of the lots number ten granted to Richard B. Squires, number one granted to William M'Donald, and number seven granted to James Peters, shall be and the same are hereby erected into a separate and distinct Town or Parish, to be called the Town or Parish of *Kars*.

2. The said Town or Parish of *Kars* shall have the same privileges and be subject to the same laws and regulations as extend to or govern the other Parishes of the County.

3. This Act shall not come into operation or be in force until the first day of January next, and it shall not interfere with or prevent the recovery of any assessment which may

have been previously made or ordered, or with any fines, penalties, or moneys, which may have accrued to or become due, or with the discharge of the duties of any officer who may have been appointed for the year then running, but every such officer shall discharge his duty until the end of the year, in the same manner as if this Act had not been made or passed, and nothing in this Act contained shall be construed to relieve either section of the said Parish hereby divided from their respective existing liabilities.

4. The several Parish officers for the said Town or Parish of Kars, shall be elected or appointed in the manner provided for by Title VIII, of the Revised Statutes, 'Of the local government of Counties, Towns, and Parishes,' and shall in all respects be subject to and come within the provisions of the said recited Title.

5. 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 Town or Parish of Kars, as Clerk for the election of Parish officers, agreeably to the provisions of the said recited Title, for the first year after this Act comes into operation.

CAP. LII.

An Act to establish Mark's Street, in the Parish of Saint Stephen, in the County of Charlotte, as a Public Highway.

Mark's Street in Saint Stephen, a public highway.

Passed 13th April 1859.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the Road fifty feet wide designated and known as 'Mark's Street' upon Mahood's plan of the John Mark's property, in Saint Stephen, in the County of Charlotte, be and the same is hereby made a Public Highway, and entitled to the benefit of the provisions of all or any of the Acts of Assembly relating to Highways in this Province, which may be applicable thereto.

CAP. LIII.

An Act to amend an Act intituled *An Act to authorize the draining of German Town Lake, in the County of Albert.*

Section.

1. District called 'Lake District' erected.
2. Commissioners of Sewers for District, appointment of: oath;
3. Empowered to cut canals from Lake to Shepody River; and
4. Agree as to damages.
5. Arbitration in case of disagreement.
6. Appointment of arbitrators when owners fail to nominate.

Section.

7. Compensation of arbitrators.
8. Power to remove obstructions; and
9. Erect dykes.
10. Commissioners to have powers conferred by Title X, Rev. Stat.;
11. To appoint necessary officers.
12. Liability for neglect to assess.
13. Inconsistent parts of 19 V. c. 26, repealed.

Passed 13th April 1859.

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

1. That all the marsh land, bog land, low land, alder land, and lands covered with water, in the Parish of Harvey, in the County of Albert, known and included in and by the following description and boundaries, be and the same is hereby erected into a District, to be called the Lake District, that is to say: By a line starting at the Shepody River in the channel of Beaver Brook, so called, and following said channel in its several courses to a certain line ditch between lands of David H. Calhoun and James Kinne; thence along said ditch to the channel of the Upper Branch, so called, of Beaver Brook aforesaid; thence along the channel of said Upper Branch, to line of land owned by John Downing, or to a place opposite Spruce Point, so called; thence in a direct course or along said Downing's line to said Spruce Point; thence following the edge or margin of the upland in its several courses to channel of said Shepody River, near William Tingley's west line; thence along channel of said River down stream to first mentioned bounds.

2. The Governor in Council may appoint not less than three or more than five Commissioners of Sewers for said District, who shall be invested with the same powers as other Commissioners of Sewers in said County, and who shall be duly sworn to the faithful discharge of their duty.

3. The said Commissioners, or a majority of them, are hereby authorized and empowered to cut and make a canal or canals, from German Lake, in said district, to Shepody River, or so far as the same may be found necessary for the draining of

said Lake and adjoining lands, to intersect said River, if necessary, at such place or places as they may deem most advisable; and for this purpose may cut through and across any public highway lying between said Lake and the outlet of said Canal or Canals, and may also appropriate so much of the lands lying between said Lake and intersection with said River, or the outlet aforesaid, not exceeding six rods in width for any one canal, as may be deemed necessary for the purposes of this Act.

4. The Commissioners or a majority of them may agree with the owner or owners of any land through which the said canal or canals may be required, and fix and determine the amount of damages, if any, accruing to each, to be paid out of the first assessment as hereinafter provided, which shall be collected after such damage has been incurred.

5. In case the parties cannot agree, as provided by the preceding Section, the amount of damages may be determined by two arbitrators, being disinterested freeholders of said County, one of whom to be chosen by said Commissioners, or a majority of them, and the other by owner or occupier of the land in question, and in case of further disagreement said two may choose a third disinterested freeholder; the decision and award of said arbitrators, or any two of them, shall be final and conclusive.

6. If the said Commissioners, or a majority of them, or the owner or owners of any such land, refuse or fail to choose an arbitrator as provided by the preceding Section, or in case no award be rendered within ten days after the choosing of arbitrators by said Commissioners, or owner or owners, then either party may apply to a Justice of the Peace, who shall be empowered to issue his Warrant, directed to any Sheriff or Constable within the County, commanding him to summon five disinterested freeholders in said County, who shall be sworn, as a Jury, to examine the said land where the said canal or canals are intended to be made, and appraise the damages to the respective owners thereof: The Commissioners shall attend with the said arbitrators or jury, and mark the courses, width, and boundaries of said proposed canal or canals: The arbitrators or jury aforesaid, shall consider all benefits as well as damages accruing or likely to accrue from the making of said canal or canals.

7. Each arbitrator or juror summoned as aforesaid, shall be entitled to receive five shillings, and the officer summoning ten shillings; and these and all other necessary expenses of the jury shall be paid by the party applying for the Warrant, upon the rendering of the award, the same to be included in the account of general expenses for draining and paid to the party advancing the same when collected by assessment as hereinafter provided.

8. The Commissioners are also empowered to remove, or cause to be removed, any obstructions in the way of said canal or canals, or any dams or other obstructions which may tend to prevent at any time the necessary venting or flowing of the same, and in case of any damage accruing to private property, to agree upon the amount of the same, and make compensation in the same way as provided by the fourth, fifth, and sixth sections of this Act for the payment of damages incurred by the right of way.

9. The Commissioners are empowered and required to erect dykes or aboideaus on either side of said Canal or Canals, sufficient to prevent the flowage of the adjacent marshes out of said district, and within the district if necessary.

10. The Commissioners shall have all the general power and authority conferred on Commissioners of Sewers by Title X, of Revised Statutes, including the employing of workmen at reasonable wages, and the taxing and assessing of the owners of lands in said district for defraying all expenses of said draining or dykeing, having due regard to quantity and quality of land of each proprietor respectively, and benefits to be received, allowing for a difference of improvement in different lots according to locality, with respect to flowage of tide water, or any other local benefits: The Commissioners may also lay off and mark off such portions or allotments of work as may conveniently be contracted for, which may be let by auction to lowest bidders, at least ten days notice in three public places in vicinity being first given of the time, place, and description of work required, and at the time and place may let the same, and enter into written contracts, with sufficient sureties, for the faithful and satisfactory performance of the work in time and manner specified.

11. The Commissioners shall appoint all necessary officers

to act under them, who shall be duly sworn, and shall be invested with the same powers and subject to the same duties and penalties as are imposed on similar officers under and by virtue of Acts now in force regulating Commissioners of Sewers in said County.

12. If the said Commissioners shall neglect or refuse to make the necessary assessments for paying any sum or sums agreed upon or awarded for land damages, within one year from the time of said agreement or award, they shall be held personally liable for the same, and may be sued therefor by the party or parties entitled to receive the same.

13. So much of the Act passed 19th Victoria, Chapter 26, intituled *An Act to authorize the draining of German Town Lake, in the County of Albert*, as is inconsistent herewith, be and the same is hereby repealed.

CAP. LIV.

An Act to amend an Act to incorporate the Diocesan Church Society of New Brunswick.

Section.

1. Next anniversary meeting, when and where to be held; meetings of the General Committee.

Section.

2. Local Committee meetings.
3. Meeting of Executive Committee appointed.

Passed 13th April 1859.

WHEREAS by an Act passed in the sixteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Diocesan Church Society of New Brunswick*, it was among other things established and enacted as part of the Constitution of the said Society, as follows, viz: "12th. The Society shall hold its Anniversary Meeting at Fredericton and Saint John alternately; at the latter place on the Thursday after the third Tuesday in January, and at the former place on the Thursday after the second Tuesday in February in each year:" And whereas at the Anniversary Meeting of the Society held in the year of our Lord one thousand eight hundred and fifty six, an alteration was made, according to the provisions of the said Act, pursuant to due notice given at the then previous Anniversary Meeting, in the third Article of the Constitution, whereby it was ordained that no Article of the Constitution of the Society shall be rescinded, altered, or

amended, except with the concurrence of two thirds of the members present at a meeting of the General Committee, assembled under Article fifteen, and that notice of any motion shall be given at the previous Anniversary Meeting, which said alteration was duly sanctioned by the Lord Bishop of the Diocese, as required by the Constitution: And whereas at the Meeting of the General Committee of the said Society holden at Saint John on Tuesday the eighteenth day of January in the present year, it was duly moved, pursuant to notice given at the previous Anniversary Meeting, and resolved by two thirds of the members there present, that Article twelve of the Constitution of the Society be rescinded, and the following adopted in lieu thereof—"The Society shall hold its Anniversary Meetings at Fredericton and Saint John alternately, on the first Thursday in July in each year, and said alteration will take effect on receiving the sanction of the Lord Bishop," which has been since duly granted: And whereas it is expedient that the next Anniversary Meeting should take place in July next, but doubts may arise whether the same could be lawfully holden without legislative sanction, and it is proper that legislative provision should be made in regard to such meeting, and to the meetings of the General Committee and of the Local Committees previous thereto: And whereas the said Diocesan Church Society of New Brunswick has by its Petition, under the common Seal of the said Society, prepared and passed pursuant to the Resolution of the General Committee holden on Wednesday the nineteenth day of January last, confirmed by a Resolution passed at the Anniversary Meeting holden on Thursday the twentieth day of January last, and sanctioned by the Lord Bishop, prayed that an Act may pass for the purposes aforesaid;—

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

1. The next Anniversary Meeting of the Diocesan Church Society of New Brunswick shall be holden at Fredericton on the first Thursday in July next, and the meetings of the General Committee of the said Society at Fredericton on the two days next previous thereto; at which meetings the said General Committee shall be vested with the same power and exercise the same functions as are now by the Constitutions committed to them.

2. Each Local Committee shall hold a meeting on some convenient day previous to the said Anniversary Meeting in July next, for the purpose of making a Collection, appointing two Lay Deputies to attend the meetings of the said General Committee to be holden previous to such Anniversary Meeting, and of discharging any other duties appertaining to Local Committees; the returns of such Local Committees to be made to the Secretary on or before the first Tuesday of June next.

3. The Executive Committee of the said Society shall meet at Fredericton on the day after the Anniversary Meeting in July next.

CAP. LV.

An Act to authorize the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick to sell and dispose of certain lands in the City of Fredericton.

Authority to sell &c. a certain piece of land.

Passed 13th April 1859.

WHEREAS the Roman Catholic Episcopal Corporation for the Province of New Brunswick is seized and possessed of a certain lot and parcel of land and premises situate, lying and being in the City of Fredericton, commencing on King Street, at a point equidistant from lot number one and lot number eight, thence southwesterly by a right line to the line dividing lots number five and six, thence along the rear line of lot number six to the northern angle of lot number seven, thence by a right line along the northwest side line of lot number eight to King Street, thence along King Street to the place of beginning: And whereas it is desirable to grant unto the said Corporation full power and control to sell, dispose of, and convey, whether by mortgage or by absolute sale, all and singular the said lands and premises;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—The said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick and successors, be and they are hereby authorized and empowered to sell, dispose of, mortgage, and convey the said land and premises, with the appurtenances, either absolutely or conditionally, in one lot or separate parcels, in such manner, and

under and subject to such conditions, covenants, and agreements, as by the said Corporation and successors may be deemed necessary and proper, and thereupon to make good, legal, and sufficient conveyances of the same, by and under the seal of the said Corporation; and the respective purchasers and mortgagees thereof shall not be bound to see to the application of the purchase moneys thereof.

CAP. LVI.

An Act to authorize the Rector, Church Wardens, and Vestry of Saint Paul's Church, in the Parish of Grand Manan, to sell a certain part of the Glebe Land in said Parish, and invest the proceeds in other lands.

Section.

1. Authority to sell.

Section.

2. Investment of proceeds.

Passed 13th April 1859.

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

1. That the Rector, Church Wardens, and Vestry of Saint Paul's Church, in the Parish of Grand Manan, for the time being, be and they are hereby authorized and empowered to sell and convey the western half or moiety of the lot of Glebe land situate and lying at Grand Harbour, in the said Parish, known and described as Lot No. 70, granted to Neil Morrison, in the grant to Reuben Bingham and others, for such price as may be agreed on for the same.

2. The amount arising from such sale shall be invested by the said Rector, Church Wardens and Vestry, in the purchase of other lands for a Glebe for the use and benefit of the Rector of the said Church for the time being.

CAP. LVII.

An Act to authorize the Trustees of Saint Andrew's Church, in the City of Saint John, to sell a Lot of Land in the Parish of Simonds.

Section.

1. Authority to sell and convey.

Section.

2. Application of proceeds.

Passed 13th April 1859.

WHEREAS the Trustees of Saint Andrew's Church, in the City of Saint John, are possessed of a certain Lot of Land in the Parish of Simonds, in the County of Saint John, granted to the said Saint Andrew's Church by Letters Patent under the Great Seal of the Province, dated the twenty third day of August in the year of our Lord one thousand eight hundred and twenty : And whereas the said Trustees are desirous of making the said land more available for the benefit and advantage of the said Church, by selling the same and investing the proceeds in such manner as may be deemed most beneficial to the said Saint Andrew's Church ;—

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

1. That the Trustees of Saint Andrew's Church for the time being, be and they are hereby authorized to sell and dispose of the said Lot of Land, either in one or in separate parcels, by public or private sale, for the best price or prices that they can obtain for the same, and to grant to the purchaser or purchasers thereof, or any part thereof, a good and sufficient title in fee simple, under the corporate Seal and the hands of the Chairman and Secretary of the said Trustees for the time being.

2. That the proceeds of said land, after deducting the necessary expenses of sale and conveyance thereof, or any part thereof, from time to time as the same may be received, shall be applied by the said Trustees and their successors for the use and benefit of said Saint Andrew's Church, as by them and their successors may be deemed most beneficial and advisable.

CAP. LVIII.

An Act to authorize the Trustees of the Victoria College, in the City of Saint John, to wind up and close the affairs of the said College.

Section.

1. Trustees to sell real and personal property of the College ;
2. Collect outstanding debts and effects ;

Section.

3. Call meeting of Stockholders for adjusting debts.
4. President of the meeting ; claims to be submitted.

Section.

5. Claimants may appeal to a Judge of the Supreme Court.
6. Trustees to pay adjusted claims; final meeting and adjustment.

Section.

7. Meeting for purposes of this Act to be within six months.
8. Committee may be appointed.
9. When College to be deemed dissolved.

Passed 13th April 1859.

WHEREAS the President, Trustees, and Proprietors of the Victoria College have already sustained much loss in consequence of many of the members who constituted themselves a joint stock Association previous to the passing of the Act of Incorporation of said College having declined to pay their subscriptions, although suits have been instituted against them for recovery of such without effect: And whereas the said Trustees are, in consequence of such non-payment and of the failure to obtain a sufficient number of stockholders, without funds to enable them to pay the purchase money now due for the real estate belonging to said Corporation, purchased from Benjamin Appleby and Wife, by Deed bearing date the fifth day of October in the year of our Lord one thousand eight hundred and fifty five, and it is found that the purposes for which the said College was incorporated cannot be accomplished for the reasons aforesaid: And whereas at a meeting of the stockholders who have paid in their subscriptions, holden at the City of Saint John on Wednesday the twelfth day of January in the year of our Lord one thousand eight hundred and fifty nine, a draft of the Petition to the Legislature, praying that an Act be passed to enable the Society to wind up its affairs and dissolve the Corporation, as also the draft of a Bill to effect this object, having been read, it was unanimously approved of, and it was resolved, that the said President and Directors be a Committee to get such Petition and Bill engrossed and laid before the Legislature at the present Session: And whereas in pursuance of such Resolution, application has been made on behalf of the said Corporation to enable the said Trustees to sell and dispose of their real and personal estate and effects thereof, and after payment of all just debts and liabilities of such Corporation, to distribute the residue of the proceeds; if any, as hereinafter mentioned;—

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

1. That it shall and may be lawful for the said Trustees, and they are hereby required to sell and dispose of all and

singular the real and personal property, goods, chattels, estate and effects of the said College, either at public auction or by private sale, in one lot or in separate parcels, for cash or upon credit, and on such terms of payment as to them may seem advisable, and for the best price or prices that can reasonably be obtained therefor.

2. That the said Trustees shall and may, with all convenient dispatch, collect, get in, and receive all the outstanding debts and effects of the said College.

3. That it shall and may be lawful for the Trustees, and they are hereby required to appoint such meeting or meetings of the stockholders, and all other parties interested, to be held at such times and places as they may think fit, whereof due notice shall be given by the President by advertisement thereof in any one or more of the public Newspapers published in the City of Saint John, at least eight days before the time appointed for such meeting, for the purpose of ascertaining, proving, and adjusting all such legal and equitable claims and demands of every nature and kind as shall be outstanding against the said College.

4. That the President, or in case of his absence, one of the Trustees shall preside at such meeting, and that all such legal and equitable claims and demands shall respectively be reduced into writing, and submitted to the stockholders of the said College present at such meeting, or at any further meeting to be called as aforesaid, and shall be allowed, reduced, or rejected, according to the decision of the stockholders then present.

5. That in case any such claim shall be reduced or rejected, it shall and may be lawful for the claimant, within one month after such meeting, to make application to a Judge of the Supreme Court by affidavit, setting forth the nature and full particulars of such claim; and such Judge is hereby authorized and empowered to make an order calling upon the President and Trustees of the said College, to appear by their Attorney at such time and place as the said order shall appoint, and to answer such claim; and the said Judge is hereby authorized and empowered to require either party to produce further affidavits, and to hear and determine the said claim upon affidavits, as fully and effectually to all intents and purposes as any Court of Law or Equity might hear and determine the same, if properly brought before such Court, and to make such order

thereupon as to the costs of such application, as may be deemed reasonable and equitable.

6. That when and so soon as the amount of outstanding claims and demands against the said College shall have been ascertained and adjusted, it shall and may be lawful for the Trustees of the said College for the time being, and they are hereby required out of the assets of the said College to pay and satisfy such claims and demands; and after the payment of such debts, claims, and demands, so ascertained and adjusted, and the necessary costs, charges, and expenses, which shall be incurred by the Trustees of the said College in carrying out the provisions of this Act, then and in such case a further meeting of the stockholders of the said College shall be held; such meeting to be called in manner aforesaid, at which meeting a full and detailed statement shall be submitted by the Trustees of the assets of the said College, and of the manner in which the same shall have been expended, as well in the payment and liquidation of such debts, claims and demands, as in the ordinary expenses of the said College, and in the costs and charges and expenses necessarily incurred in carrying out the provisions of this Act, and of the surplus remaining in hand; and such account shall be finally settled and adjusted by a majority of the said stockholders then present, and such overplus shall be distributed amongst the stockholders of the said College who have paid their subscriptions, in proportion to the amount of stock respectively.

7. That a meeting of the stockholders of the said College shall be called within six calendar months after the passing of this Act for the purpose of this Act.

8. That it shall be lawful for the stockholders of the said College or a majority thereof at any meeting of the said College called for the purposes of this Act or for any other purpose, to appoint a Committee of the said stockholders, consisting of such and so many stockholders of the said College as they may select thereof, to examine into and report upon the accounts and affairs of the said College, to whose inquiries the Directors and all other officers of the said College are required to give the fullest satisfaction and information; and the said Committee shall present and make report of the state of the accounts and affairs of the said College at some further

meeting thereof to be for that purpose holden; and that it shall be lawful for the stockholders or a majority thereof to take such action and make such order therein as they may deem most advisable and promotive of the interests of the said College, preparatory to or connected with the winding up and closing the whole affairs and business of the said College.

9. That upon payment and satisfaction of all such claims, debts, and demands against the said College, and the distribution of such proceeds and surplus as aforesaid, the said College shall be deemed and taken to be dissolved; provided always, that nothing herein contained shall extend to prevent the Trustees of the said College from proceeding in the name and on the behalf of the said College to collect and get in any further assets or outstanding debts and demands of the said College, and to distribute the proceeds thereof as aforesaid, but that for all such purposes the said College shall be deemed and taken to be still in existence.

CAP. LIX.

An Act to enable the Dorchester Olive Freestone Company, of the County of Richmond, State of New York, to hold Property in this Province.

Section.

1. Company empowered to hold real estate in this Province.

Section.

2. Company to keep an Office and Agent in this Province.

Passed 13th April 1859.

WHEREAS LORENZO M. ARNOLD, SILAS M. STILWELL, JAMES M. ARNOLD, WILLIAM P. LEE, JOHN L. TAYLOR, THOMAS MUNROE, and ALBERT HORN, have formed themselves, with their associates, successors, and assigns, into a joint stock Company, in the County of Richmond, State of New York, in the United States of America, by the name of 'The Dorchester Olive Freestone Company,' to quarry and manufacture Stone in this Province, and are desirous of being enabled to hold real and personal property in this Province, as such Company;—

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

1. The Dorchester Olive Freestone Company, of the County of Richmond, in the State of New York aforesaid, and their

successors, shall and may by that name, have full power and lawful right and authority to have, hold, own, and enjoy in any way, real estate and lands of all kinds in this Province, whether in fee simple or by lease, or in any other way, and to have and to hold personal estate of all kinds in this Province, in any way, and to alienate, encumber, lease, sell, or deal with the same in any manner; provided always, that the real estate so owned by the said Company shall not at any one time exceed in value the sum of ten thousand pounds.

2. The said Company shall keep an office in Dorchester, in the County of Westmorland, in this Province, and an Agent there, for the transaction of business connected with the Company in this Province, service upon whom of all processes, notices, and other documents, shall be deemed sufficient service upon the said Company.

CAP. LX.

An Act to incorporate the Caledonia Mining and Manufacturing Company.

Section.

1. Company incorporated.
2. First Meeting, when and how called.
3. Capital to be £120,000.

Section.

4. Shareholders to be liable for Stock assessments.
5. Liability for debts.

Passed 13th April 1859.

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

1. That Oliver Jones, the Honorable Edward B. Chandler, Frederick A. Wiggins, Edward Allison, John H. Harding, Alexander Wright, James M'Alister, Abner Jones, Peter M'Sweeney, Thomas Trueman, Charles B. Records, James Oulton, W. B. Kaye, James M'Latchey, John Marshall, T. H. Forsyth, and W. B. Barzley, and their associates, successors, and assigns, shall be and they are hereby declared to be a body corporate and politic, by the name of 'The Caledonia Mining and Manufacturing Company,' and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of mining Coal, Shale, Asphalt or Asphaltic Rock, and for manufacturing and trading in Oils and other illuminating or lubricating substances, and such other business as may be incident thereto.

2. The first meeting of the said Corporation shall be held at such time and place in this Province as may be appointed by a majority of the above named persons.

3. The capital stock of the said Company shall be one hundred and twenty thousand pounds, divided into twelve thousand shares, of ten pounds each.

4. Each and every shareholder in said Corporation shall be held liable to the said Corporation for each and every call or assessment made, not however to exceed in amount the stock subscribed by him, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, for the purposes of, or to carry on the operations for which the said Company is incorporated; which call or assessment may be sued for by the said Corporation, and recovered in any Court of Record within the Province.

5. That the joint stock and property alone of the said Corporation shall be liable for the debts and engagements of the same.

CAP. LXI.

An Act to incorporate the Lepreaux Manufacturing Company.

Section.

1. Company incorporated.
2. Capital to be £5,000; may be extended.
3. First meeting, by whom, when, and how called, and object.
4. Annual general meeting for choosing Directors.
5. Qualification of Directors.
6. Votes and proxies.
7. Shares to be transferable.

Section.

8. When Directors eligible at a special meeting.
9. Responsibility for corporate debts.
10. Power to assess shares;
11. Recovery by action at law;
12. Declaration in suit;
13. What proof sufficient.
14. Meetings of Company, how called.
15. Act void unless 15 per cent of Capital be paid within four years.

Passed 13th April 1859.

WHEREAS this Province is well adapted for the raising of Sheep and the production of Wool, and it is very desirable for the better promotion of Sheep-husbandry, the supply of the people with woollen cloths and other domestic productions, and for the interest of the Province generally, that a Factory should be established;—

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

1. That William K. Reynolds, his associates, successors, and assigns, shall be and are hereby erected into a body politic

and corporate, by the name of 'The Lepreaux 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 purposes aforesaid.

2. The capital stock of the said Corporation shall be five thousand pounds of current money of New Brunswick, which shall be divided into two thousand shares of two pounds ten shillings currency each, payable at such times and in such instalments as the business of the Company may require, with power to the said Company, when necessary, to extend the said capital stock to the sum of twenty five thousand pounds currency by increasing the number of shares accordingly; such additional shares to be disposed of either at public or private sale, in such manner as a majority of the stockholders in number and amount may determine at any general or special meeting of the stockholders legally called.

3. The first meeting of the said Company for organizing the same, shall be held at the City of Saint John; it shall be called by the aforesaid William K. Reynolds, or in case of his death, neglect, or refusal, by any two of the said Company, by giving notice in one or more of the public Newspapers published in the said City, at least twenty days previous to such meeting, for the purpose of establishing bye laws, choosing five Directors and such other officers as may be necessary for the management of the affairs of the said Company, which Directors and officers, so chosen, shall serve until the first annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of the said Corporation, subject to the rules and regulations hereinafter made and provided.

4. A general meeting of the shareholders in the said Company shall be held annually in the City of Saint John on the second Tuesday in June, for the purpose of choosing five Directors, who shall remain in office one year, or until others are chosen in their stead; as soon as convenient after their election they shall choose one of their number President of the Company, but not less than three Directors shall form a quorum for the transaction of business; but in case of the absence of the President the Directors shall appoint one of their number Chairman for the occasion.

5. No person shall be eligible as a Director unless he holds at least twenty shares of the capital stock of the Company, and is of the full age of twenty one years.

6. On every occasion when the votes of the shareholders are to be given, the number of votes shall be in proportion of one to each share of stock; absent shareholders may vote by proxy, provided the proxy be a shareholder and produce sufficient authority in writing.

7. The shares of the Company shall be transferable according to such regulations as shall be established by the bye laws, but no transfer shall be complete or effectual unless registered in a Book to be kept by the Directors for that purpose; in no case shall the fractional part of a share be transferable, and whenever any shareholder shall transfer all his shares in the Company he shall cease to be a member thereof.

8. If it shall happen that the Directors shall not be chosen on the second Tuesday in June in any year, they may be chosen on any other day between the hours of eleven in the forenoon and three in the afternoon of such day, fourteen days' notice being given of the time and place of meeting in one or more of the Newspapers published in the City of Saint John: If a Director shall be removed by the shareholders for misconduct or mal-administration, his place shall be filled up by the shareholders, fourteen days' notice of the time and place of meeting for that purpose being given in like manner; and in case of a vacancy among the Directors by death, resignation, or absence, or disqualification by transfer of stock, the vacancy shall be filled by the Directors choosing a duly qualified shareholder, and the Director so chosen by the shareholders or Directors shall serve until another is chosen in his place.

9. The joint stock or property of the said Corporation shall alone, in the first instance, be responsible for the debts and engagements of the said Corporation; and no creditor, or person or persons having any demands against the said Corporation, for or on account of any dealings with the said Corporation, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or where the joint stock of the said Corporation 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 double the amount of the share or shares, or interest of such shareholder in the joint stock of the said Corporation, but no more; and such double amount, or so much as may be necessary to satisfy such debt, due, or demand, shall and may be levied and seized by process of execution, in the same suit in which such debt, due, or demand may be recovered against said Corporation.

10. The said Company shall have power, from time to time, to make and collect calls upon its shares, of such sums as may be necessary for carrying on its business; and when any call is made, the Treasurer shall give notice thereof in one of the Newspapers printed in the City of Saint John, requiring payment of the same within thirty days, at the office or place of business of the Company; in case of non-payment, the delinquent shares may be sold at public auction, after thirty days' notice, to the highest bidder, and after retaining the amount of the call and interest on the same, and all expenses, the residue, if any, shall be paid over to the former owner, and a new certificate of the shares sold shall be made out and delivered to the purchaser; provided always, that no call shall be made except by a vote of the shareholders, and by a majority of all the shares.

11. If a shareholder shall fail to pay the amount of a call made by the Company, or any part thereof, the Company may sue such shareholder for the amount in any Court having jurisdiction, and recover the same with interest and costs.

12. In such action it shall be sufficient for the Company to declare that the defendant is holder of one share or more in the Company, [state the number of shares] and is indebted to the Company in the sum to which the call in arrear shall amount in respect to one or more calls upon one or more shares, [state the number and amount of such calls] by means of which an action hath accrued to the Company by virtue of this Act.

13. On the trial it shall be sufficient to prove that the defendant at the time of making the call was the holder of one share or more in the said Company; that such call was in fact made; it shall not be necessary to prove any other matter whatsoever;

and thereupon the Company shall be entitled to recover what is due upon such call, with interest and costs.

14. All meetings of the Company shall be called by public notice being given of the time and place in a Newspaper printed in the City of Saint John, seven days at least before the time of meeting; special meetings may be called by the authority of the Directors, or by shareholders representing not less than one thousand shares of stock, upon giving the like notice.

15. Unless fifteen per cent. of the capital stock of the said Company shall be actually paid in for the purposes thereof, and a certificate verified on oath by the 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 four years after the passing of this Act, the operation of the same shall cease, and the existence of the Company be terminated at the expiration of the said four years.

CAP. LXII.

An Act further to alter and amend an Act intituled *An Act to incorporate the Saint John Gas Light Company.*

Company may extend their capital to £50,000; how to be effected.

Passed 13th April 1859.

WHEREAS in and by the second Section of an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Saint John Gas Light Company*, it is provided that the said Corporation shall have leave to extend the capital stock of the said Corporation to the sum of thirty thousand pounds of current money of New Brunswick: And whereas the said stock has been so extended: And whereas under and by virtue of a further Act of the General Assembly the capital stock of the said Corporation has been extended to the sum of forty thousand pounds, and the said sum of forty thousand pounds has been found inadequate to enable the said Corporation to extend their works so as fully to carry out the intention of the Legislature;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That the said Saint John Gas Light Company shall have leave to extend the capital stock of

the said Corporation to the sum of fifty thousand pounds of current money of New Brunswick, and to assess such increase upon the original number of shares, and the said Corporation shall to such extent have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for extending the works or carrying on the business of the said Company; and the same shall and may be called in, levied, and collected in all respects in the manner pointed out in and by the eleventh Section of the said recited Act; provided that any stockholder in the said Company who shall be assessed for any additional calls upon his shares, shall have the option of declining the payment of such calls, and that the Company shall have power to issue new stock to the amount of the calls so remaining unaccepted, to any parties willing to purchase the same, either at public or private sale at the option of the Directors.

CAP. LXXII.

An Act to disqualify persons holding certain offices under Government from being elected or capable to hold Seats in the Assembly.

Section.

1. Certain Office-holders disqualified as Candidates for the Assembly.
2. Government Contractors and their sureties disqualified.
3. Government Appraisers, Arbitrators, or Investigators, disqualified.

Section.

4. Act not to extend to Members of Executive Council.
5. Commencement of Act.
6. Suspensive clause.

Passed 6th April 1858.

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

1. That no person shall be eligible to be a Candidate, or capable of being elected or returned as a Member to serve in the Assembly of this Province, or capable to sit and vote therein, who holds any office connected with the collection or protection of the Revenue, or holds the office of Deputy Surveyor of Crown Lands, or Supervisor of Great Roads, or Postmaster, Registrar of Deeds, Judge of Probates, Registrar of Probates, or Clerk of the Peace, or of the Crown, or of the Pleas, or of the Circuits, or Equity side of the Supreme Court.

2. That no Contractor with or under the Government, nor any Surety of such Contractor, shall be capable of being elected or sitting in the House of Assembly while such Contract is subsisting, or such person has any interest therein; nor shall any Member of the Assembly be capable of accepting or entering into any Contract with or under the Government, or of being such surety as aforesaid.

3. That no Commissioner, Appraiser, or Arbitrator to investigate, adjust, settle or determine any claim, matter or difference between the Government of this Province and any person therein, or the Government or subjects of any other Colony, or to investigate or inquire into the management or affairs of any Public Institution in this Province, shall be capable of being elected or of sitting in the House of Assembly; and any

Member of the Assembly accepting any such office or appointment shall forthwith vacate his Seat, and be incapable of re-election while holding such appointment, and his Seat as such Member is, on the acceptance of any such appointment, hereby declared vacant.

4. That this Act shall not extend to Members of the Executive Council.

5. That this Act shall take effect immediately upon the passing thereof, except that it shall not during the term of the present House apply to any officer named in the first section, now being a Member of the General Assembly, nor to any Member of the House by reason of his now being a Contractor under the Government, or having an interest in any Contract, or to any Member who is now surety for any Contractor, or to any Member in the third section who may have already been appointed by the Government, and the duties of whose appointment are not yet concluded.

6. 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 thirteenth day of November 1858, and published and declared in this Province the eighth day of December 1858.*]

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