

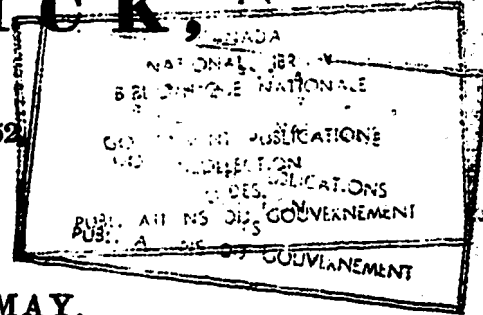
ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK, 911 LAST

PASSED IN THE MONTH OF OCTOBER, 1852

AND

IN THE MONTHS OF APRIL AND MAY,

1853.



FREDERICTON:

PRINTED BY JOHN SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MDCCCLIII.

TITLES OF THE ACTS.

ANNO DECIMO SEXTO VICTORIÆ REGINÆ.

SECOND SESSION, A. D. 1852.

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Anno Regni Victoriae Britanniarum Reginae Decimo Sexto.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the sixth day of February, *Anno Domini* One thousand eight hundred and fifty one, in the Fourteenth 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 Twenty first day of October One thousand eight hundred and fifty two, being the Third Session of the Fifteenth General Assembly convened in the said Province.

THE
ACTS
OF
THE GENERAL ASSEMBLY, &c.

CAP. I.

An Act in amendment of an Act to regulate Vessels arriving from Europe with Passengers.

Passed 29th October 1852.

WHEREAS the construction of Railways within this Province on an extensive scale, as now contemplated, will render necessary a large supply of laborers, artizans and mechanics of every description, for whom there will hereafter be steady and profitable employment; and the completion of such Railways will open to settlers large tracts of the fertile lands of this Province, in every way well fitted for settlement and cultivation: And whereas in order to encourage the emigration from Europe into this Province of such laborers, workmen and settlers, it is deemed expedient to reduce the tax now levied on Passengers;

Preamble.

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

1. The second and third sections of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to regulate Vessels arriving from Europe with Passengers*, are hereby repealed.

13 V. c. 3, s. 2
and 3 repealed.

2. The Master of any Vessel which may arrive at any Port or place in this Province from any Port of Europe with Passengers shall, at the time of reporting such Vessel, pay to the Treasurer of the Province, or the Deputy Treasurer at the place where such Vessel may arrive, the sum of two shillings and six pence for each and every such Passenger; which sum the said Treasurer and Deputy Treasurers are hereby authorised and required to demand and receive.

Masters of vessels
to pay two shillings
and six pence for
each passenger.

3. In all cases where it becomes requisite for the Master of a Vessel to give a Bond to indemnify the Province for the maintenance of any Passenger specially reported as likely to become a public charge, under the provisions of the fifth section of the said Act to regulate Vessels arriving from Europe with Passengers, the Lieutenant Governor in Council may dispense with the taking of such Bond, or if taken, may order the same to be cancelled, on payment to the Province Treasurer or any Deputy Treasurer, of such reasonable sum within the penalty of the Bond as the Lieutenant Governor in Council may think just and proper under all the circumstances.

Instead of giving
the Bond pre-
scribed by s. 5
of 13 V. c. 3, a
payment may be
made.

4. The provisions of this Act shall be deemed to be incorporated in and form part of the said Act to regulate Vessels arriving from Europe with Passengers; and so much of said Act as is inconsistent with or repugnant to this Act, is hereby repealed.

Act 13 V. c. 3
repealed, so far as
inconsistent with
this Act.

CAP. II.

Private Act
14 V. c. 1.

An Act in addition to and in further amendment of the Act to incorporate the European and North American Railway Company.

Passed 29th October 1852.

WHEREAS it is expedient to make certain alterations and amendments in the Act made and passed in the fourteenth year of Her Majesty's Reign, intituled *An Act to incorporate the European and North American Railway Company*;

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

Company authorised to borrow
£1,000,000.

1. The said European and North American Railway Company is hereby authorised and empowered to raise by way of Loan, in addition to any amount loaned to such Company by the Province, a sum not exceeding one million of pounds sterling, and to issue therefor its own Bonds, under Seal; such Bonds to be for any sum not less than one hundred pounds sterling, bearing interest not exceeding six per cent. per annum, and redeemable in twenty years from the date of each Bond respectively.

Governor authorised to grant more
land for the use of
the Railway.

2. In addition to the power given the Lieutenant Governor by the said Act of Incorporation, to make grants of land to the said Company, the Lieutenant Governor in Council is hereby empowered to make free grants to such Company of any additional Crown land that may be required for stations, or other necessary purposes connected with the principal line of railway, or with any of its branches or extensions.

Affairs of the Com-
pany to be managed
by thirteen
Directors appointed
as herein specified.

3. The immediate government and management of the affairs of the said Company shall be vested in thirteen Directors, of whom seven, being proprietors of at least twenty shares of stock each in such Company, shall be elected by the shareholders in the manner directed by the fortieth section of the Act of Incorporation, subject to the alteration in this Act hereafter specified, as to the number of votes to be given by such shareholders in respect to the shares they severally hold; which seven Directors so chosen shall continue in office until they die, become disqualified, resign, or others duly qualified are elected in their stead; and the other six of the said Directors shall be appointed by the Lieutenant Governor in Council, none of whom shall necessarily be shareholders in the said Company, and who shall hold their offices during pleasure; and in case of any vacancy, others from time to time shall be appointed in their places; provided that no Member of the Legislature, not being a Member of the Executive Government, shall be appointed a Director by the Lieutenant Governor in Council under this Act; and provided further, that no Director in the said Company shall be a Contractor under or Solicitor to the said Company; provided also, that not less than three of the said thirteen Directors shall constitute a quorum for the transaction of business, of whom one at least shall be a Director appointed by the Lieutenant Governor in Council; and that Directors not present may vote by proxy, provided such proxy be a Director; but no proxy shall give more than three votes in addition to his own vote; provided that if the shareholders in the said Company shall fail or neglect to appoint Directors as required by the Act of Incorporation and this Act, then and in such case the Directors appointed by the Lieutenant Governor in Council, shall have the management of the affairs of the said Company until Directors shall be duly elected by the shareholders.

Vote by proxy.

Vacancies.

Scale of votes to be
given by
stockholders.

4. Instead of giving one vote for each share of stock, as provided by the fortieth section of the said Act of Incorporation, the shareholders in the said Company, on all occasions when their votes are to be given, shall vote according to the following scale:—

For

For one share, and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every five shares above thirty, and not exceeding sixty, one vote, making sixteen votes for sixty shares; and for every ten shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any shareholder shall be entitled to give.

5. The Lieutenant Governor in Council shall continue to exercise the power of appointing six Directors in the said Company, so long as the said Company shall continue indebted for any Provincial loan; but when such loan is paid off and discharged, the number of Directors appointed by the Executive shall be in proportion to the number of shares of stock held by the Province; and if such shares shall be sold and transferred, the power of appointing Directors by the Lieutenant Governor in Council shall cease.

Limitation to the power of the Governor in Council to appoint Directors.

6. No shareholder shall be permitted to vote on any occasion, until all his calls are paid; and no Director elected by the shareholders, whose calls are unpaid, shall be allowed to vote at the Board of Directors.

No votes to be given on shares in arrear.

7. The fifty seventh Section of the said Act of Incorporation is hereby repealed; and in lieu thereof, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter in this Section contained, at any time after the expiration of the term of twenty one years, to purchase the said Railway, with its extensions and branches, and all its hereditaments, stock and appurtenances, for the use of this Province, upon giving to the said Company three calendar months notice in writing of their intention to make such purchase, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the seven then next preceding years; provided always, that it shall be lawful for the Company, if they shall be of opinion that the said rate of twenty five years purchase of the said average profits, is an inadequate rate of purchase of said Railway, reference being had to the prospects thereof, to require, that in case of difference, it shall be left to arbitration, to determine what, if any, additional amount of purchase money shall be paid to said Company; and provided also, that no such purchase shall be compulsory on said Company unless the said seven years average rate of profit shall exceed ten per cent. per annum.

Right of purchasing the Railway reserved to Her Majesty's Government.

8. On all articles imported *bona fide* for the construction of the principal Railway, or of any of its branches or extensions, there shall be no higher duties levied than are at present imposed by the existing Revenue Laws of this Province; and if the Provincial duties shall hereafter be increased, then such articles shall be entitled to a drawback equal to the amount of the increase.

No higher than present import duties to be imposed on necessaries for the construction of the Railway.

9. The Lieutenant Governor in Council is hereby authorised to appoint fit and proper persons to be Police Magistrates, each of which Police Magistrates shall have authority to act by himself in all cases in which two Justices of the Peace may act, and the jurisdiction of such Police Magistrates may extend along the whole of the principal Railway, its branches and extensions, and throughout all or any of the Counties within which, or within five miles of which, the said Railway, its branches or extensions may pass, according as the Lieutenant Governor in Council may appoint and direct, while the same are in course of construction, and to pay to such Magistrates the amount of compensation which the Legislature may from time to time provide; and such Police Magistrates are hereby authorised and empowered to appoint, subject to the approval

Governor in Council authorised to appoint Police Magistrates with reference to the Railway.

Police Magistrates empowered to appoint Stipendiary Constables.

approval of the Directors of the said Company, such and so many Stipendiary Constables on the said line of Railway as they may deem necessary for the preservation of peace and good order, and to displace the same and appoint others whenever requisite; which Constables shall be under the control and direction of such Police Magistrates; and such Magistrates and Constables shall have all the powers, authority and privileges incident to the office of Police Magistrates and Constables by the provisions of an Act passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John*, within the district for which they are severally appointed; and such Constables shall be paid a reasonable compensation for their services by the said Company.

11 V. c. 12.

Special meeting for choosing Directors, &c. to be held within six months.

10. Within six months, and not sooner than three months after this Act shall come into force, there shall be a special meeting convened of the shareholders in the said Company for the purpose of choosing the requisite number of Directors on their part, and the transaction of such other business as may legally come before said meeting; which meeting shall be called by the President of the said Company, or by any two of the Directors, in the manner provided by the forty first section of the Act of Incorporation; and the present Directors of the said Company shall continue in office until others are elected and appointed in their stead.

This Act be deemed part of the Act of incorporation.

11. All the provisions of this Act shall be deemed to be incorporated in, and to form part of the said Act of Incorporation, and of an Act passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act to amend an Act to incorporate the European and North American Railway Company*.

Acts 14 V. c. 1 and 15 V. c. 41.

12. So much of the said Act of Incorporation passed in the fourteenth year of Her Majesty's Reign, and of the said Act in amendment thereof passed in the fifteenth year of Her Majesty's Reign, as are inconsistent with, or repugnant to the provisions of this Act, are hereby repealed.

Suspending clause.

13. 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 28th day of December 1852, and published and declared in the Province the 26th day of January 1853.*]

CAP. III.

An Act to repeal certain Acts of Assembly for facilitating the construction of the European and North American Railway, and to make other provisions for the construction of the same, with branches and extensions.

Passed 29th October 1852.

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

Acts 14 V. c. 41 and c. 42, repealed.

1. An Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to facilitate the construction of the European and North American Railway*; and also an Act made and passed in the same year, intituled *An Act further to facilitate the construction of the European and North American Railway*, are hereby repealed.

On its being made to appear that money to a specified minimum amount has been expended on the construction of the Rail Road or branches or extensions, a specified amount of Stock to be subscribed on

2. When the European and North American Railway Company shall make it appear to the satisfaction of the Lieutenant Governor in Council, that twenty thousand pounds sterling have been actually expended in the construction of a principal line of Railway across this Province, from the Boundary of Nova Scotia to the Eastern Boundary of the State of Maine, or in the construction of certain branches and extensions thereof, or of any of them, or of any portion of them, that

that is to say, an extension of the Trunk Line from some point between the Bend of Petitcodiac, and the Harbour of Shediac, or from one of those places to the River Miramichi, which is to be constructed simultaneously with or immediately after the completion of the road from Saint John to the Bend of Petitcodiac; another branch or extension to some convenient place at or near the Harbour of Shediac, in case the principal line shall not touch such Harbour; and another branch or extension of such principal line of Railway west of the River Saint John, from some point between the City of Saint John and the Eastern Boundary of the State of Maine, to the City of Fredericton, which is also to be constructed simultaneously with or immediately after the completion of the Main Trunk Line from Saint John to the Eastern Boundary of the State of Maine; then and in such case, the Provincial Treasurer shall be authorised, by the Lieutenant Governor in Council, to subscribe on behalf of the Province, for shares in the said Company to the amount of five thousand pounds sterling; and in payment therefor, to deliver to the said Company special Certificates of Debt, to be called Debentures, bearing interest at a rate not exceeding six per cent. per annum, payable half-yearly, the principal money redeemable in twenty years; and so from time to time, when it shall be satisfactorily proved to the Lieutenant Governor in Council, that the proceeds of the Debentures previously delivered have been expended in the construction of such principal line of Railway, or of its branches or extensions as aforesaid, and that a further sum of at least twenty thousand pounds sterling has been actually expended in like manner, the Provincial Treasurer shall be again authorised to subscribe, on behalf of the Province, for shares in the said Company to the amount of five thousand pounds sterling, and also to pay in full for such shares, by a further delivery of Debentures; provided always, that the amount of shares subscribed for by the said Provincial Treasurer on behalf of the Province, shall not exceed in the whole the sum of two hundred and fifty thousand pounds sterling, and that the route or location of the principal line of Railway, and the several branches and extensions herein specified, before being finally adopted, shall in all cases be subject to the approval of His Excellency the Lieutenant Governor in Council.

behalf of the Province, and so *toties quoties*; and Debentures to be issued.

3. The Debentures shall be in the form hereto annexed, marked Schedule No. 1; they shall be signed by the Lieutenant Governor, and verified by his seal of office, and also countersigned by the Provincial Treasurer; they shall be numbered consecutively, beginning with number one, and shall be issued in such sums, not less than one hundred pounds sterling, as may be deemed expedient; the interest thereon shall be paid half-yearly in London, and the principal of such Debentures shall be paid in full at the end of twenty years from the date of their respective issues, to the then holders thereof, at the same place.

Form, numbers, amounts, and payment of Debentures.

4. The certificates of shares in the European and North American Railway Company from time to time received by the Provincial Treasurer, shall be held by him for and on behalf of the Province, as public property; and while such shares are so held, no vote thereon shall be given at any meeting of the shareholders in the said Company; and no interest shall be paid to or be claimed by the Province, in respect of such shares, in consideration of their having been paid for in full at the time of subscription.

Certificate of shares to be held as public property; but no vote to be given or interest received.

5. The dividends accruing from the shares held by the Provincial Treasurer shall be applied towards the payment of interest on the said Debentures; and at the expiration of twenty years, when such Debentures become due and payable, the shares not previously disposed of shall then be sold, and the proceeds applied towards the payment of the said Debentures; provided that there shall be no sale

Application of dividends and disposal of Provincial shares.

by

by the Province, of any share so held, below the par value, until the expiration of ten years from the time of the first subscription for stock by the Provincial Treasurer.

Authority given to the Governor in Council to advance Provincial Debentures by way of loan to the Company.

6. The Lieutenant Governor in Council is hereby authorised and required to advance Provincial Debentures in the form specified in Schedule No. 1. payable in like manner, by way of loan to the said European and North American Railway Company, such loan being payable in twenty years, with interest thereon payable half-yearly, and to an amount, which, with the Provincial subscriptions for stock, shall not in the aggregate exceed three thousand pounds sterling per mile of the principal line of Railway, and of its said several branches and extensions; such loan to be from time to time advanced as the construction of the principal railway and of such branches and extensions shall progress, and under such restrictions as the Lieutenant Governor in Council may from time to time impose for the protection of the public interest, and to secure the proper application of the said loan; and such loan and the interest accruing thereon, is to attach, and stand, and is hereby declared to be, a primary mortgage, or first charge, in favour of this Province, upon the principal railway, its branches and extensions, stations, station houses, rolling stock, and property of every description, and shall attach immediately on the advance of each portion of such loan, upon all property owned by the said Company, and whether the said principal railway, its branches and extensions, shall be in course of construction, or fully completed, any law, usage or custom to the contrary notwithstanding: and in order to ascertain and fix the amounts from time to time advanced to the said Company, the President and Treasurer of the same shall deliver to the Provincial Treasurer, on the receipt of each portion of the loan, a certificate under the seal of the Company, stating its amount in the Form No. 2 in the Appendix to this Act; which receipt shall be sufficient evidence of such primary mortgage, or first charge, under this Act.

Faith, credit and revenues of the Province pledged for the interest and principal of the Debentures.

7. Subject to the payment of any previously existing Provincial liability, and of the Civil List, the faith and credit of this Province, and the ordinary revenues thereof, and the amount or proceeds of any special impost which may hereafter be levied and collected for the purpose of paying off all such Railway Debentures, and the interest thereon, shall be, and hereby are declared, pledged to any and every holder of the same for payment of interest as it becomes due, and for payment in full of the said Debentures when the principal of the same becomes due and payable.

Governor in Council authorised to appoint a consulting Engineer.

8. The Lieutenant Governor in Council is hereby authorised from time to time to appoint during pleasure, some fit and proper person of eminent standing in his profession, as consulting Engineer on behalf of this Province, whose duty it shall be to watch over the interests of the Province, in the construction of the principal Railway herein before described, and its branches and extensions.

Suspension clause.

9. This Act shall not come into force until Her Majesty's Royal approbation thereof shall be first had and declared.

SCHEDULE No. 1.

[L.S.]

PROVINCE OF NEW BRUNSWICK.

No. —

£— Sterling Debenture.

£— Sterling transferable.

Under the authority of the Legislature of New Brunswick.

The Government of New Brunswick promises to pay, in London, to the Bearer, the sum of Pounds Sterling, twenty years from and after the day of ; likewise the Interest from the same date, at the rate of Six per cent. per annum,

Form of Debentures.

annum, to be paid half-yearly, on the presentation of the proper Coupons for the same, as hereunto annexed, on the day of and the day of in each year, at in London.

In testimony whereof, I, the Lieutenant Governor, by virtue of the authority vested in me in and by an Act of the General Assembly of the Province of New Brunswick, passed the day of 18 , intituled *An Act to repeal certain Acts of Assembly for facilitating the construction of the European and North American Railway, and to make other provisions for the construction of the same, with branches and extensions*, have hereunto set my Hand, and affixed my Seal of Office, at Fredericton, in the said Province, and the Provincial Treasurer has countersigned the same this day of A. D. 18 .

A. B., *Lieut. Governor.*

C. D., *P. Treasurer.*

FORM OF COUPON.

Province of New Brunswick. Debenture No. — £—— Sterling. Form of Coupon.

Pounds Sterling payable at the Office of , London, being Six months Interest on the above Debenture, due day of

A. B., *Lieut. Governor.*

C. D., *P. Treasurer.*

SCHEDULE No. 2.

The European and North American Railway Company hereby acknowledge to have this day received from Treasurer of the Province of New Brunswick, the sum of pounds sterling, by way of loan from the said Province in Debentures, No. to No. inclusive, under and by virtue of the provisions of an Act of Assembly made and passed in the sixteenth year of Her Majesty's Reign, intituled *An Act to repeal certain Acts of Assembly for facilitating the construction of the European and North American Railway, and to make other provisions for the construction of the same, with branches and extensions*. Certificate for Provincial shares.

This certificate is granted under the directions of the said Act, and in conformity thereto the Seal of the said European and North American Railway Company is hereunto affixed, and the President and Treasurer of the said Company have hereunto placed their signatures, this day of in the year of our Lord

[L. S.]

E. F., *President.*

G. H., *Treasurer.*

[*This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council, dated the 28th day of December 1852, and published and declared in the Province the 26th January 1853.*]



Anno Regni Victoriae Britanniarum Reginae Decimo Sexto.

AT the General Assembly of the Province of New Brunswick begun and holden at Fredericton on the sixth day of February, *Anno Domini* One thousand eight hundred and fifty one, in the Fourteenth 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 Twenty fourth day of February One thousand eight hundred and fifty three, being the Fourth Session of the Fifteenth General Assembly convened in the said Province.

THE
ACTS
OF
THE GENERAL ASSEMBLY, &c.

CAP. I.

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

Passed 14th April 1853.

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

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

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

To the Chaplain of the House of Assembly twenty pounds.

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

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

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

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

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

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

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

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

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

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

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

To the Keeper of the Light House at Point Le Proe eighty five pounds. Light Houses.

To the Keeper of the Light House at Partridge Island eighty five pounds.

To the Keeper of the Light House on Campo Bello one hundred pounds.

To the Keeper of the Beacon Light eighty five pounds.

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

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

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

To the Keeper of the Light House on Machias Seal Island one hundred and thirty pounds, and an additional sum of thirty six pounds to enable him to pay an Assistant;

To the Keeper of the Light House in the Harbour of Saint Andrews forty pounds;

To the Keeper of the Light House on Cape Enrage eighty five pounds.

To the Commissioners of Light Houses in the Gulf of Saint Lawrence eighty five pounds to provide for the Salary of a Keeper for the year one thousand eight hundred and fifty three at the Light House on Point Escuminac.

Money to be paid
by Warrants on the
Treasury.

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

CAP. II.

An Act to alter and amend the Act to consolidate and amend the Laws relating to sick and disabled Seamen belonging to this Province, not being Paupers, so far as relates to the County of Gloucester.

Passed 14th April 1853.

Preamble.

WHEREAS the sum now collected from Vessels arriving at the Port of Bathurst is found insufficient to defray the necessary charges and expenses for the maintenance, care and accommodation of sick and disabled Seamen arriving at the said Port of Bathurst;

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

Duty raised to two
pence per ton on
Vessels arriving at
Bathurst.

1. From and after the passing of this Act, every Ship or Vessel over twenty five tons burden that shall arrive at the said Port of Bathurst, shall pay at the rate of two pence per ton for every ton which such Vessel shall be rated in the Register thereof; provided that each and every Vessel denominated a Coaster shall pay the said Duty only once in each and every year, and such payment shall be made at the first entry in each year of each Coaster into the said Port of Bathurst.

To be collected
and applied as
directed by 13 v.
c. 48.

2. The said Duty shall be collected and applied as directed in and by the Act passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to sick and disabled Seamen belonging to this Province, not being Paupers.*

CAP. III.

An Act to amend the Act to facilitate the construction of a Railway from Saint Andrews to Quebec.

Passed 14th April 1853.

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

1. So much of the fourth section of the Act passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to facilitate the construction of a Railway*

Act 14 V. c. 36,
s. 4, in part
repealed.

Railway from Saint Andrews to Quebec, as authorises the Legislative Council and Assembly, by joint Resolution, to appoint two Directors, who shall have the same power and authority as any other Directors chosen under the Act of Incorporation, be and the same is hereby repealed.

2. The Lieutenant Governor or Administrator of the Government for the time being, in Council, may, and he is hereby required, annually or from time to time as occasion shall require, to appoint two Directors in the Saint Andrews and Quebec Railroad Company, who shall have the same power and authority as any other Directors chosen by the said Company under their Acts of Incorporation; and in case of such Directors or either of them refusing or neglecting to act, or for other good cause, to cancel such appointment, and another or others to appoint in his or their stead.

Governor in Council authorised to appoint two Directors.

CAP. IV.

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

Passed 14th April 1853.

WHEREAS it has been represented to the Legislature of this Province, that certain persons hereinafter named, and divers others inhabitants of New Brunswick, Members of the Church of England, have associated themselves together as a Society under the following Constitution, Bye Laws, Rules and Regulations, that is to say:—

Preamble reciting Constitution, Bye Laws, Rules and Regulations of the Society.

1st. The Society shall be called the Diocesan Church Society of New Brunswick: 2d. No Constitution, Bye Law, Rule or Regulation of the Society, or any abrogation, repeal, change or alteration of the same, shall be of any force until it shall have been sanctioned and confirmed by the Bishop of and administering the Diocese for the time being, by writing under his hand: 3d. The payment at any one time of a sum not less than ten pounds shall constitute a life Member; and the payment annually of any sum however small, shall constitute the person paying the same a Member of the Society: 4th. The Society shall have a President, who shall be the Lord Bishop of the Diocese; two or more Vice Presidents, of whom the Archdeacon shall be the first; one or more Treasurers; one or more Secretaries; two Auditors of Accounts; and an Executive Committee of twenty four Lay Members of the Society, being life Members thereof, or subscribers of at least one pound to the Funds of the Society, who, with the exception of the President and Vice Presidents, shall be annually elected at the Anniversary Meeting: 5th. The officers of the Society and the Clergy of the Diocese, shall be *ex officio* Members of the Committee; five to be a quorum, and three of the five Laymen: 6th. The Society shall embrace the following objects, and none other, viz:—

1. Missionary visits to places where there is no settled Clergyman, and aid to new and poor Missions;
2. The establishment of Divinity Scholarships at King's College, Fredericton; and assistance where necessary to those who may be under preparation for the Ministry, especially sons of Clergymen;
3. Aid to Sunday and other Schools in which Church principles are taught; and the training and encouraging of Schoolmasters and Catechists;
4. The supply of Books and Tracts in strict conformity with the principles of the Established Church of England;
5. Aid to the building and enlarging of Churches and Chapels;
6. Aid to the building of Parsonage Houses;
7. The creation of a fund towards the augmentation of the stipends of Clergymen who are poor; and towards the education of the children of such Clergymen;

‘ Clergymen; and towards the making a provision for those who may be incapacitated by age or infirmity; -

‘ 8. The creation of a Fund for the Widows and Orphans of the Clergy :

‘ 7th. The Society will employ no Clergyman on Missionary services without the Bishop’s licence and appointment, and will submit its choice of Divinity Scholarships to His Lordship’s approbation: 8th. The Society will circulate no Books which are not in the Catalogue of the Society for Promoting Christian Knowledge, except such as the Bishop shall approve: 9th. It shall be competent to any Member of the Society to limit his subscription to any one or more of the objects above recited, which he may be most anxious to promote: 10th. The Members of the Society in each Mission or in each Parish of each Mission, at the discretion of the Missionary, shall constitute a local Committee: 11th. It shall be competent to each Committee to recommend any of the above recited objects to the special consideration of the General Committee, in the appropriation of the Funds of the Society: 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: 13th. The Committee of each Parish or Mission shall hold an annual meeting, on some convenient day, previous to the Anniversary Meeting, when the recommendation to the General Committee of special objects shall be determined on: 14th. Each local Committee shall be empowered to depute two Lay Members of the Society to be elected at the Annual Meeting of the Committee, to assist the Missionary in submitting the recommendations of the Committee to the consideration of the General Committee: 15th. For this purpose the Missionaries and Lay Deputies shall meet in General Committee on the two days or more if need be, previous to the Anniversary Meeting, to make the annual appropriation of the Funds of the Society: 16th. The Executive Committee shall meet either at Fredericton or Saint John on the first Wednesday in January, on the day after the Annual Meeting, on the first Wednesday in March, on the first Wednesday in June, and on the Wednesday after the first Tuesday in October: 17th. The Clergy are requested to preach annually two Sermons in their respective Churches, with a collection on each occasion for the general purposes of the Society: 18th. No Article of the Constitution of this Society shall be rescinded, altered or amended, except with the concurrence of two thirds of the Members present at a General Meeting; and notice of any motion shall be given at the General Meeting previous to the one at which said motion is to be made:

‘ And whereas the said persons have contributed, or engaged to contribute considerable sums of money for the objects therein recited: And whereas it is considered necessary for the safety of the property of the Society, and would tend greatly to facilitate and promote the purposes of the said Society, that it should be incorporated;’

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

1. The Right Reverend the Lord Bishop of Fredericton, the Venerable and Reverend George Coster, the Honorable Neville Parker, the Honorable Robert Parker, the Honorable George Frederick Street, the Honorable William Black, the Honorable William Crane, the Honorable John R. Partelow, the Honorable John Ambrose Street, the Honorable Robert Duncan Wilmot, the Honorable Edward B. Chandler, the Honorable Robert L. Hazen, the Honorable William F. W. Owen,

F. W. Owen, the Honorable John S. Saunders, the Honorable A. Edwin Botsford, the Honorable Thomas H. Peters, the Honorable Charles Simonds, and Frederick A. Wiggins, Esquire, and such other persons as are now Members of the said Society, according to the Constitution, Bye Laws, Rules and Regulations thereof, and such other persons as shall from time to time hereafter become Members of the Society, shall be and are hereby declared to be a Body Corporate and Politic in name and in deed by the name of *The Diocesan Church Society of New Brunswick*, and by the said name the said Society shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

2. The Constitution, Bye Laws, Rules and Regulations hereinbefore recited, shall and the same are hereby declared to be the Constitution, Bye Laws, Rules and Regulations of the said Corporation, and shall and may from time to time, as occasion may require, be rescinded, abrogated, repealed, altered, extended or amended in the manner therein and thereby directed; provided the same be not repugnant to the Laws and Statutes of the Province.

Constitution, &c., before recited, to be the Constitution, &c., but may be amended.

3. The property, both real and personal, moneys, funds, securities and assets of every description of the said Society, whether in possession, remainder, reversion or expectancy, shall from and after the passing of this Act be and the same are hereby declared to be absolutely vested in the said Corporation by the name aforesaid, for the like objects and purposes, and no other, for which the same were held by the said Society, and by the said Corporation shall be appropriated and applied in like manner as the same were required to be appropriated and applied by the said Society; and shall and may from time to time be sued for and recovered by all lawful ways and means to and for the uses aforesaid; and all the liabilities of the said Society, both in law and equity, shall in like manner, from and after the passing of this Act, devolve upon the said Corporation by the name aforesaid, to the same extent as the said Society would have been held liable for, had this Act not been passed.

Property in possession or expectancy, vested in Corporation.

4. This Act shall not take effect unless and until it is accepted by a majority of Members present at any Meeting of the Society to be called for that purpose at Fredericton, by the Lord Bishop of the Diocese, after two months notice to be given by advertisement in the Royal Gazette, and unless it receive the sanction of the Lord Bishop, to be given at or before such Meeting.

Act not to have effect till accepted.

CAP. V.

An Act for the incorporation of certain Bodies connected with the Wesleyan Methodist Church in New Brunswick.

Passed 14th April 1853.

‘WHEREAS a number of persons in this Province are associated together
 ‘ in Classes, Societies and Congregations, constituting a Religious
 ‘ Community known by the name of *The Wesleyan Methodist Church in New Brun-*
 ‘ *wick*, under the pastoral care and direction of Ministers of the Gospel in connec-
 ‘ tion with the British Conference, as known and defined by a certain deed, poll or
 ‘ instrument in writing under the hand and seal of the Reverend John Wesley,
 ‘ bearing date on or about the twenty eighth day of February in the year of our
 ‘ Lord one thousand seven hundred and eighty four, and enrolled in Her Majesty’s
 ‘ High Court of Chancery on or about the ninth day of March in the year last
 ‘ aforesaid; the Ministers and Members of which Church are in connection with
 ‘ and are governed and directed by the rules and usages made or sanctioned from
 ‘ time to time by the said Conference: And whereas for the more beneficial and
 ‘ effectual

Preamble.

Existence of the Wesleyan Methodist Church in New Brunswick;

Circuits, Classes,
Societies and Con-
gregations :

Circuit Stewards :

Trustees of
Chapels, &c.

Districts.

Necessity of
greater facilities.

Inconvenience of
defective titles to
property.

Each Board of
Trustees
incorporated.

The Ministers
constituting a
District Meeting
incorporated.

‘ effectual exercise of pastoral supervision by the Ministers, and for the better and
 ‘ more effectual administration of the discipline of the Church, the Province, or
 ‘ part thereof occupied by such Ministers, is divided into Sections called Circuits;
 ‘ and the Classes, Societies and Congregations within each Circuit respectively,
 ‘ are placed from year to year under the pastoral care of one or more of the
 ‘ Ministers appointed to such Circuit by or by authority of the Conference, and
 ‘ one of whom so appointed to each Circuit is called the Superintendent thereof;
 ‘ and in each of such Circuits certain persons are from time to time appointed,
 ‘ according to such rules and usages, to the offices of Circuit Stewards, to assist
 ‘ in managing the financial affairs of such Circuits; and certain persons are from
 ‘ time to time appointed or recognized, according to such rules and usages, as
 ‘ Trustees of Chapels, or Mission Houses, or Burial Grounds, or other lands or
 ‘ property required for the use of the Church within the Circuits respectively:
 ‘ And whereas for the more convenient regulation of the affairs of the Church, a
 ‘ number of such Circuits are associated together by authority of the said Con-
 ‘ ference, and every such association of such Circuits is called a District, and a
 ‘ yearly assembly of the Ministers in every such District is held, and called the
 ‘ District Meeting of the business of which is generally presided over by
 ‘ one of the Ministers who is called the Chairman of the District and the general
 ‘ Superintendent of Missions therein, and who is appointed to his office by the
 ‘ Conference: And whereas it is necessary that greater facilities should be en-
 ‘ joyed by the Church for holding, possessing and using lands and other property
 ‘ for the support of Public Worship, and for the propagation of Christian Know-
 ‘ ledge, and for the constituting and managing of the funds and institutions for the
 ‘ several and general religious and benevolent objects of the Church: And whereas
 ‘ at sundry times heretofore, lands and other property have been conveyed by devise,
 ‘ or by deeds of gift, or by deeds of bargain and sale, or by other deeds or instru-
 ‘ ments, to the Church Officers, or other parties named or signified in such deeds
 ‘ or instruments or devises, in trust for the use and benefit of the Church, some
 ‘ of which deeds or instruments or devises are defective, as not containing neces-
 ‘ sary directions for the appointment of successors for the trusts respectively
 ‘ created, or as being in other respects not accordant with such rules and usages,
 ‘ from which defectiveness inconveniences have arisen or are liable to arise,
 ‘ which it is necessary to remedy, and in the future to prevent;’

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

1. Each Board of Trustees of any Chapel, Mission House, Burial Ground,
 School House, or other property held in trust for the use and benefit of such
 Church in connection with the said Conference, and their successors, and each
 Board of Trustees to be hereafter appointed, according to the rules and usages
 for such purposes, and their successors, shall be a Body Corporate, having per-
 petual succession by the name of *The Trustees of the Wesleyan Chapel*, or Burial
 Ground, or other property, as the case may be, in the place in which the trust
 property shall be situated, or by such other name as is or shall be mentioned in
 the Trust Deed or other act or instrument by which the Trusts respectively are
 or shall be created.

2. The Wesleyan Methodist Ministers now constituting any such District
 Meeting, and their successors, and any others who shall be hereafter, by authority
 of the Conference, constituted a District Meeting, and their successors, shall be
 a Body Corporate, having perpetual succession by the name of *The District
 Meeting of the District*, as the case may be.

3. Each and every of the Corporations of Trustees hereby constituted or to be hereafter constituted by virtue hereof, shall be capable of taking, holding and possessing lands, tenements, moneys, and other property heretofore conveyed to them or which shall be hereafter conveyed for the use and benefit of such Trusts respectively, and of sueing and being sued in any of Her Majesty's Courts of Law or of Equity, and shall have and exercise all the rights, powers and privileges incident to a Body Corporate according to the Laws of this Province; and lands and other property that have been or shall be granted, given or devised for the use of the Church, shall be held to be vested in the District Meeting Corporation, or to be vested in special trust under the Corporate authority hereinbefore created, accordingly as by the known and established general rules and usages of the Wesleyan Society, such lands and property ought to be subjected to the management of the one trust or the other.

Power of Corporation of Trustees to hold land, sue, &c.

Investment of lands, &c. to be according to the known rules of the Wesleyan Society.

4. The District Meeting hereby incorporated, and such District Meetings as shall hereafter be constituted, shall be capable of taking, holding and possessing lands, tenements, moneys and other property for the use and benefit of such Church, in connexion with the Conference, or of any portion thereof, or for the establishment of any funds or institutions which are now or may be hereafter required for the purposes of the Church, or of any portion thereof, or for the purposes of the Conference, and shall have authority respectively, and from time to time, to make laws and regulations for the due management of such funds and institutions, not at variance with the laws of this Province, and of sueing and being sued in any of Her Majesty's Courts of Law or of Equity, and shall have and exercise all the rights, powers and privileges incident to a Body Corporate, according to the Laws of this Province.

Power of incorporated District Meetings to hold lands, sue, &c.

5. When in any case any lands, tenements, moneys, or other property, or any right or interest therein, or use thereof, shall have been given or conveyed, or intended to be conveyed, or shall hereafter be given or conveyed, or intended to be given or conveyed, by grant or devise or otherwise, in trust for the use and benefit of such Church, or of any portion thereof, and no proper provisions have been or be made for the appointment of Trustees or of successors in the Trust, or such provisions have been or shall be made as are not in accordance with such rules and usages, or a vacancy or vacancies in the Trust shall have been or shall be occasioned by death or otherwise, which vacancy or vacancies shall not have been duly filled by the appointment of a successor or successors before the passing of this Act, in any such case now existing the Superintendent of the Circuit in which such Trust existed, or if the property be in a place where no Circuit extends, then the Chairman of the District shall within twelve months after the passing of this Act, and in any such case hereafter arising shall as soon as convenient, cause the requisite number of Trustees, or of successors to the former Trustees, to be duly appointed according to such rules and usages; and the Trustees and their successors so duly appointed, and their successors from time to time thereafter so duly appointed, shall be the proper and lawful Trustees of the Trusts respectively, and shall have and exercise all the rights and powers and privileges pertaining to such Trustees, according to the rules and usages, and with the Corporate privileges and authority which are conferred or are intended to be conferred on the Trustees by this Act.

In certain cases Superintendent of the Circuit, or, in places where no Circuit extends, the Chairman of the District, to cause Trustees or successors of Trustees to be appointed for property conveyed for the benefit of the Church.

6. The Trustees and District Meetings hereby incorporated, or authorised to be hereafter incorporated, and their successors shall hold and exercise the rights, powers and privileges connected with their respective Trusts, in accordance with the rules and usages from time to time passed or established by or by authority of the Conference.

Trustees and District Meetings to exercise their powers agreeably to the regulations of the Conference.

Appointments of successors to Trustees to be recorded in a Book, which shall be evidence in Courts of Law and Equity.

7. The Trustees of any land held or to be hereafter held for a Chapel, or for a Mission House, or Burial Ground, or School House, or other building for the use of such Church, or any portion thereof, shall keep a Book of Records, in which shall be duly entered according to the rules and usages, the appointment of any successor or successors in the Trust; and the person or persons so appointed shall be entitled, in conjunction with the then surviving or remaining Trustees, to hold and possess the lands and all the appurtenances thereof, without any Deed of conveyance or assignment being made to them; and the production of such entry in the Book of Records, or a duly authenticated copy thereof, shall be sufficient evidence of the appointment of such successor or successors in any of Her Majesty's Courts of Law or Equity, and of his or their possession of co-ordinate rights and privileges with other Trustees from the time of the appointment of such successor or successors respectively.

Investment and appropriation of bequests for the support of the Minister of a Circuit, &c.

8. Any real or personal property or sums of money which have heretofore or may hereafter be devised or bequeathed for the support of the Minister of any Circuit, or for any other purpose connected therewith, shall be deemed to be and shall be vested in and payable to the Circuit Steward of such Circuit for the time being, or his successor, whose duty it shall be to dispose of and appropriate the same, with the concurrence and under the directions of the District Meeting, so as nevertheless at all times to give full effect to the wishes and intentions of the testator.

Rights of Corporate District Meetings to be transferred to a Provincial Conference, when such shall be established.

9. If at any time after the passing of this Act a Conference of Wesleyan Ministers shall be, by the authority of the Conference hereinbefore mentioned, organized in the Province, then all the rights, powers and privileges by this Act granted to the District Meeting or District Meetings shall be thenceforward vested in the Conference which shall be so organized; and the lands, tenements, moneys, or other property at such time held by the District Meeting or District Meetings, shall become the property of the Conference in this Province, for the same use and benefit for which they shall have been previously received and held by the District Meeting or District Meetings under the authority and provisions of this Act.

The words "Rules and Usages" shall refer to the Provincial Conference when established. Limitation of property to be held by Boards of Trustees;

10. After the organization of a Conference in this Province, the words "Rules and Usages" in this Act shall be held to refer to such rules and usages as shall thenceforward be made or sanctioned by the Conference in this Province.

11. The annual value of lands held by any Board of Trustees incorporated hereunder, shall not exceed at any time the sum of sixty pounds, exclusive of lands and premises held for Chapels, Mission Houses and Burial Grounds.

District Meetings or Conference.

12. The annual value of lands held by any District Meeting shall not exceed the sum of one thousand pounds; and further the annual aggregate value of the lands to be owned by the several Districts, or by the said Conference when incorporated, shall not exceed at any one time three thousand pounds.

CAP. VI.

An Act to authorise the Roman Catholic Episcopal Corporation for the Diocese of New Brunswick to sell, dispose of, and mortgage Lands in the City and County of Saint John, and to re-invest the proceeds thereof.

Passed 14th April 1853.

Preamble.

‘ **W**HEREAS 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 King's Ward, in the City of Saint John, described as follows in the conveyance to the said Corporation, that ‘ is

‘ is to say:—All that lot, piece or parcel of land situate, lying and being in King’s Ward, in said City, on the eastern line of a Road or Street sixty feet in width, laid out by the Honorable Ward Chipman for a public Road or Street in continuance of Coburg Street at the northern end thereof, and passing along the western line of lands there belonging to Charles Jeffery Peters, Esquire, and to the heirs of the late Doctor Adino Paddock ; the said lot hereby conveyed beginning at a stake set up on the eastern line of the said Road or Street, distant one hundred and sixty feet from the northwestern corner of the lot owned by the heirs of the said Adino Paddock, thence running northerly on the line of the said Road or Street one hundred and fifty feet to a stake, thence easterly on a line parallel with the said side line of the said lot belonging to the heirs of Adino Paddock, two hundred and eighty feet to a stake, thence southerly on a line parallel with the line of the said Road or Street one hundred and fifty feet to a stake, thence westerly on a line again parallel with the side line of the said lot of the heirs of the said Adino Paddock, two hundred and eighty five feet to the place of beginning :

Description of land in King’s Ward.

‘ And whereas it is deemed 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, and to re-invest the proceeds thereof in the purchase of other land, and in the erection of a Cathedral Church for the use of the Roman Catholic congregation of the City of Saint John ;’

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

1. That the said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, and successors, be and they are hereby authorised and empowered to sell, dispose of, mortgage and convey the said land and premises with the apurtenances either absolutely or conditionally, in one lot or in 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 that the respective purchasers and mortgagees thereof shall not be bound to see to the application of the purchase moneys therefor.

Authority given to sell, or mortgage and convey the described premises.

‘ 2. And whereas it appears that it would tend much to the benefit of the Roman Catholic inhabitants of the City and County of Saint John, if the said Corporation were authorised and empowered from time to time, by and with the advice of the Vicar General or senior Clergyman of the Diocese for the time being, to mortgage to the extent of one third part of their estimated value any lands hereafter to be purchased or otherwise acquired by the said Corporation in the said City and County, and to apply the proceeds thereof for the general use and uses, eleemosynary, ecclesiastical or educational, as occasion may require, of the Church of Rome in the said City and County ;’ It therefore shall and may be lawful for the said Roman Catholic Episcopal Corporation for the Diocese of New Brunswick, and successors, from time to time, as circumstances may require, to raise moneys on mortgage of any lands and premises hereafter to be purchased or otherwise acquired by the said Corporation within the City and County of Saint John, to an extent not exceeding in the whole one third part of the estimated value of such lands and premises, and thereupon, for the purposes aforesaid, to execute good and legal conveyances of the same, under the Seal of the said Corporation, by and with the approbation of the Vicar General or Senior Clergyman of the Diocese for the time being, to be signified by either of them being made a party to such conveyance and executing and acknowledging the same.

Authority given to raise money by mortgage to the extent of one third of the value of lands hereafter to be acquired in the City and County of Saint John.

CAP. VII.

An Act to continue and amend 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 of Saint John, and for lighting the same, as also for other purposes.

Passed 14th April 1853.

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

Act 11 V. c. 13, except so far as repealed by 12 V. c. 68, continued for five years.

1. That an Act made and passed in the eleventh year of the Reign of Her present Majesty, 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 of Saint John, and for lighting the same, as also for other purposes*, (except so much thereof as is repealed by the twelfth section of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act in further amendment of the Charter of the City of Saint John*), be and the same is hereby continued in full force for five years from the first day of May next.

Assessment may be made before the 10th of May.

2. The assessment to be made under the said Act may be made at any time in every year prior to the tenth day of May.

Certain sections of 7 W. 4, c. 7, incorporated with the Act 11 V. c. 13.

3. The fifth, sixth, seventh and thirteenth sections of an Act made and passed in the seventh year of the Reign of His Majesty King William the Fourth, intituled *An Act to provide for the collection of County and Parish Rates*, be and the same are hereby continued and incorporated with the Act hereby continued, and the provisions contained therein shall be held to apply to and be in force in respect of any assessment ordered and made by the Mayor, Aldermen and Commonalty of the City of Saint John, under the said Act so hereby continued, and any proceedings taken under such assessment.

Moneys received for fines at the Police Office to be paid over monthly to the City Chamberlain.

4. All moneys received for fines or penalties levied in any case in which the Police Magistrate shall sit alone, or with any other Magistrate at the Police Office of the said City, shall be once in each and every month paid to the Chamberlain of the said City, to the use of the Watch and Police Fund, any thing to the contrary thereof in the law imposing such fine or penalty notwithstanding.

Wages of Superintendent and Policemen to be fixed by the Common Council.

5. The rate of wages of the Superintendent and Policemen shall be fixed and established by the Common Council, notwithstanding any thing to the contrary in any law contained.

CAP. VIII.

An Act relating to the Fire Police of the City of Saint John.

Passed 14th April 1853.

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

Powers of the Fire Policemen extended to forming lines for water, and preventing interference with such lines, employment of persons at fires, &c.

1. The Fire Policemen of the City of Saint John, in addition to the powers given them by the seventh section of an Act made and passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act for the better extinguishing of Fires which may happen in the City of Saint John*, shall also have full power and authority, on the breaking out of fire within the City, to order and direct persons present to form lines for the passing of water or otherwise, as may be necessary, and to prevent any persons interfering with such lines, and to prevent persons passing through or across any street, alley, or highway, in the vicinity of the fire, and to keep persons at a proper distance therefrom, and to give orders and directions as to the employment of the people present, for the purpose of extinguishing the fire, or preserving property, or protecting the engines, hose, and

and other fire apparatus, and for such purposes to extend chains or ropes along, through or across such streets, alleys or highways; and any person obstructing or opposing, or assaulting a Fire Policeman in the discharge of his duty, or using violent, abusive or insulting language to a Fire Policeman, shall forfeit and pay a sum not exceeding ten pounds, to be recovered before the Police Magistrate of the City, in the same manner and to the same effect as any other pecuniary penalty may be recovered before such Magistrate.

Penalty for obstructing Fire Policemen in the discharge of their duty.

2. If any person shall at any time or place whatsoever, wantonly or maliciously spoil, break, injure, damage, or render useless any engine, or any of the hose, materials or apparatus belonging to the engines, or used for the purposes of the Fire Department, he shall be guilty of felony.

Maliciously damaging fire engines, hose, &c., made felony.

CAP. IX.

An Act to restrain the going at large of Dogs within the City of Saint John.

Passed 14th April 1853.

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

1. The Common Council of the City of Saint John, by any bye laws may impose a tax on Dogs, to be levied yearly upon persons owning or keeping Dogs within the City, not exceeding five shillings for each Dog, and to be levied, paid and applied and appropriated as may be directed by such bye laws, and to restrain, licence, regulate, or entirely prevent Dogs going at large within the City, under such restrictions, regulations and conditions as the Common Council may direct, and to order the destruction of Dogs going at large contrary to the provisions of such bye laws, and to impose reasonable penalties and forfeitures for any breach thereof; provided that no such penalty shall exceed forty shillings for each offence, and that no person shall be obliged to pay more than five shillings annually for any one licence granted under the provisions of this Act.

Common Council authorised to levy a tax on dogs, and regulate or prevent the going at large of dogs.

Penalty not to exceed 40s. for each offence

2. An Act passed in the forty first year of the Reign of His Majesty George the Third, intituled *An Act for the further and better support of the Poor in the City of Saint John*, is hereby repealed.

Act 41 G. 3, c. 8, repealed.

CAP. X.

An Act relating to the Public Debt of the City of Saint John.

Passed 14th April 1853.

‘WHEREAS a Suit is now pending in the Court of Chancery in this Province, in which Her Majesty's Attorney General, by and at the relation of John C. Littlehale, Esquire, and others, of Carleton, in the City of Saint John, John M'Lauchlan, of the same place, Shipbuilder, James Stackhouse, Senior, of the same place, House Joiner, Josiah Wetmore, Junior, of the same place, Esquire, and William C. Dunham, of the same place, Farmer, for and on behalf of themselves and all other the inhabitants of that part of the City of Saint John called Carleton, are the Complainants; and the Mayor, Aldermen and Commonalty of the City of Saint John, Hugh Johnston, John Robertson, Alfred Smithers, Thomas Merritt, William Wright, George Swinney, and Frederick A. Wiggins, are Defendants: And whereas the objects for which the said suit was instituted have been arranged by and between the parties thereto, and by and between the Honorable Robert L. Hazen, the Solicitor of the said Complainants, and the Honorable William B. Kinnear, the Solicitor for all the said Defendants, excepting the Defendant John Robertson, and by Duncan Robertson, Esquire, the Solicitor of the said Defendant John Robertson, that the said suit shall be discontinued; and in order to give effect to the terms,

Preamble.

Be

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

£20,000 to be chargeable on the common lands on the western side of the Harbour ; Residue of the Public Debt to be chargeable on all the other Corporate property.

1. The sum of twenty thousand pounds, and no more, shall be and is hereby made a charge upon and payable out of the common lands on the west side of the Harbour of Saint John, as granted by the Charter of the City of Saint John, bearing date the eighteenth day of May in the year of our Lord one thousand seven hundred and eighty five ; and the residue of the Public Debt of the said City of Saint John shall be and is hereby made a charge upon and payable out of the common lands on the east side of the Harbour of the said City, as granted by the said Charter, and all other the real and personal estate of the said Mayor, Aldermen and Commonalty of the City of Saint John, and all other the general revenue and income of the said Corporation, arising from any source whatever, except special grants of the Legislature and funds specially raised and appropriated by law.

Accounts of rents of lands on the western side of the Harbour, and application of the proceeds.

2. The Chamberlain of the City shall keep a separate account of the rents, issues and profits of the common lands of the west side of the Harbour, which shall be rendered by him to the Common Council annually on the thirty first day of December, without any charge for the same ; the said rents, issues and profits of the said common lands on the west side of the Harbour, after deducting the legal charges incident to the collection of the said rents, issues and profits, and management of the said lands, shall be applied by the Common Council of the City to the payment of the interest half yearly of the said sum of twenty thousand pounds, or so much thereof as may remain due, at such rate, not exceeding six per cent. per annum, as shall be paid on the remainder of the said Public Debt ; and the residue of such rents, issues and profits shall be applied by the Common Council of the City to the sole improvement, benefit and advantage of that part of the City lying on the west side of the said Harbour, and of the inhabitants thereof, for ever ; provided always, that no appropriation of the residue of such rents, issues and profits of the said common lands on the west side of the Harbour, or of any part thereof, and no order or act of the Common Council for laying out, leasing, or otherwise disposing of any of the said common lands on the west side of the Harbour not yet laid out, shall be binding or valid, unless made with the assent of not less than three Members of the Common Council, and representing Wards on the west side of the Harbour.

Low water mark to be established as the boundary of the common lands on the western side of the Harbour.

3. The common lands on the west side of the Harbour shall extend to the present line of low water mark, and the Common Council of the said City are hereby required, within six months after the passing of this Act, to establish and define by actual survey such line, as the line of low water mark, by such metes, bounds and marks as shall be most effectual for that purpose, and a just description of such line, and a plan thereof, shall be filed in the office of the Common Clerk of the said City, and that such line so established shall forever after be the boundary of the common lands on the west side of the Harbour.

Application of the City revenues, and of the profits of the lands on the eastern side of the Harbour.

4. The general revenues of the said City, and all other sources of income of the said Mayor, Aldermen and Commonalty of the City of Saint John, and all rents, issues and profits arising from the sale or other disposal of the said common lands on the east side of the Harbour, or from their other real and personal estate, shall be applied as follows, viz:—To the payment of the salaries of the Public Officers of the said City as now established, and all requisite contingencies and expenses of management, and also all expenditures necessary to the maintaining and keeping in repair the public property of the City, and all other usual and proper exigencies of the public service, and after payment thereof, to the pay-
ment

ment half yearly of the interest on the said residue of the said debt not charged on the west side of the said Harbour; and the balance, after such payments, shall be applied in liquidation of that portion of the debt charged on the east side.

5. The Corporation shall have the right to retain and use, without any charge, such portion of the common lands on the west side, as may be necessary for ferry landings, coal sheds, and other public conveniences for the full accommodation and use of the ferries, and the public resorting thereto.

Reservation of ferry landings, coal sheds, &c.

6. As soon as the Public Debt now due by the Corporation shall be paid off and satisfied, all their revenues affected by this Act shall be applied as directed by the Charter of the said City.

Application of revenues after payment of the public debt.

7. The sum of two hundred and fifty pounds shall be paid out of the general revenues of the City towards the costs, fees and expenses incurred by the Complainants in prosecuting said suit in Chancery, the balance to be paid out of the rents of the common lands on the west side; the costs, fees and expenses incurred by the Defendants in defending the said suit, shall be paid out of the rents of the common lands on the east side of the Harbour and the general revenues.

Apportionment of costs of suit.

8. In any action or suit brought or to be brought by the Mayor, Aldermen and Commonalty of the City of Saint John, for any lands, tenements or hereditaments to them granted by the Crown, or the rents, issues and profits thereof, or upon any covenant, condition, matter or thing contained in any lease, grant, deed, or assurance by them made of any such lands, tenements or hereditaments, no Defendant or Defendants other than the Trustees or Mortgagees, or their heirs or assigns, shall be permitted to set up or give in evidence a certain Trust Deed or Mortgage, bearing date the twentieth day of September in the year of our Lord one thousand eight hundred and forty two, and made between the said Mayor, Aldermen and Commonalty of the City of Saint John, of the one part, and Hugh Johnston, John Robertson, Alfred Smithers, Thomas Merritt, and William Wright, of the other part, and registered in the Registry Office of the City and County of Saint John on the twenty first day of September in the year of our Lord one thousand eight hundred and forty two, or any other deed or conveyance made and executed of the said lands or tenements, or any of them, by any party whatsoever to the said Trustees, or either of them, to bar the right of recovery or to defeat the title of the said Mayor, Aldermen and Commonalty of the City of Saint John, their successors or assigns, in any such action or suit, any law or custom to the contrary notwithstanding.

Trust Deed or Mortgage dated 20th September, 1842, to be set up in bar of any action by no defendant other than the Trustees or Mortgagees.

9. Nothing in the Act made and passed in the ninth year of Her present Majesty's Reign, intituled *An Act relating to the Public Debt of the Corporation of the City of Saint John*, shall be held or taken to authorise any assessment upon the inhabitants of Carleton, on the west side of the Harbour, unless for the purpose of making good any deficiency which may arise in the payment of the interest made chargeable on the west side by the provisions of this Act.

Inhabitants of Carleton exempted from assessment under 9 V. c. 29, unless for deficiency of interest.

CAP. XI.

An Act for the division of King's Ward, in the City of Saint John, into two separate Wards.
Passed 14th April 1853.

WHEREAS from the great extent of the present Ward in the City of Saint John, called King's Ward, and from the increase in the number of the residents therein, it is necessary and expedient that the same should be divided into two separate Wards;

Preamble.

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

1.

Wellington Ward erected.

1. All that part of King's Ward, in the said City of Saint John, which lies to the eastward of a line drawn from a point formed by the intersection of lines drawn through the centre of Union Street and the continuation of a line drawn through the centre of Charlotte Street northwardly, through the centre of Coburg Street and the centre of Garden Street to the City Line, is hereby erected into a Ward of the said City, separate and distinct from King's Ward, and shall be called and known by the name of *Wellington Ward*; and the residue thereof which lies to the westward of the said line, shall comprise King's Ward.

New Ward to have same powers, &c., as other Wards.

2. The said new Ward shall be entitled to elect and choose one Alderman and one Councillor, who shall be Members of the Common Council of the said City, and one Constable for the said Ward, who shall hold their offices respectively for the same term, and have all the powers and be subject to all the duties of the like officers of any other Ward in the said City.

Time for the election of officers for Wellington Ward, and their qualification.

3. The first election of the officers for the said Ward shall be held on the third Tuesday in May next succeeding the passing of this Act; and the annual election of officers for the said Ward in all succeeding years, shall be held on the first Tuesday in April in each and every year, in the same manner and under the same provisions, and the candidates shall have the like qualifications as are now in force, or shall hereafter be in force or required in respect of the elections of the like officers for any other Ward of the said City, by the Charter of the said City, or any Act of Assembly, or Bye Law of the Corporation in that behalf made; and in case of any vacancy occurring in any of the said offices, under any Act of Assembly now or hereafter to be made, or under the provisions of the Charter of the said City, such vacancy shall be filled up in the like manner as a vacancy occurring in any other Ward in the said City would be filled up, under the provisions of the Charter of the said City, or any Act of Assembly, or Bye Law of the said City now in force or hereafter to be made relating thereto.

Tenure of office by officers for King's and Wellington Wards.

4. The officers elected for the present King's Ward on the first Tuesday in April in this present year, shall hold office for the said Ward as now defined, until the officers for said Wellington Ward shall be elected and sworn; and the said officers for said Wellington Ward, when elected, shall be sworn before the Common Council on the fourth Tuesday in May next, after which time the officers elected for King's Ward shall represent the same as defined by this Act.

Constitution of the Common Council.

5. From and after the election of the said Alderman and Councillor for the said Ward, the Mayor or Recorder, with four or more Aldermen and four or more Councillors of the said City, in place of the Mayor or Recorder, with three or more Aldermen and three or more Councillors of the said City, shall be the Common Council of the said City, as provided by the said Charter and the Acts of Assembly in amendment thereof.

CAP. XII.

An Act to erect the Parish of Saint Mark in the City of Saint John for Ecclesiastical purposes.
Passed 14th April 1853.

Preamble.

‘ **W**HEREAS the Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, at the request of many Members of the Church of England in the said Parish, have petitioned that so much of the said Parish as lies to the northward of the centre of Union Street should for all Ecclesiastical purposes be set off as a separate and distinct Parish, in order that a separate Rectory or Benefice may be there appointed, and the Chapel of Ease heretofore erected there by the said Rector, Church Wardens and Vestry of Trinity Church, may become the Parish Church of the said

‘ said separate Parish : And whereas by a certain Indenture bearing date the
 ‘ nineteenth day of May in the year of our Lord one thousand eight hundred and
 ‘ twenty three, duly executed, acknowledged and registered, and made between
 ‘ the late Honorable Ward Chipman, Esquire, of the one part, and the said Rector,
 ‘ Church Wardens and Vestry of Trinity Church of the other part, the said Ward
 ‘ Chipman for the considerations and purposes therein mentioned, did grant, bar-
 ‘ gain, sell, alien, release and confirm unto the said Rector, Church Wardens and
 ‘ Vestry of Trinity Church in the Parish of Saint John, their successors and
 ‘ assigns, all that certain lot, piece and parcel of land situate, lying and being in
 ‘ King’s Ward, in the said City and Parish of Saint John, and bounded and described
 ‘ as follows, that is to say :—Beginning at a point where the western line of Wel-
 ‘ lington Street meets the northern line of Carleton Street, thence running north-
 ‘ erly on a prolongation of the said western line of Wellington Street one hundred
 ‘ feet, thence easterly on a line parallel with Carleton Street one hundred and
 ‘ five feet, or until it meets the western line of a lot of land heretofore sold and con-
 ‘ veyed by the said Ward Chipman to Walter Lecain, thence running southerly,
 ‘ following the said western boundary of Lecain’s lot, until it meets the said
 ‘ northern line of Carleton Street, to the place of beginning, making a lot of one
 ‘ hundred feet by one hundred and five feet, more or less, together with all and
 ‘ singular the rights, members and appurtenances to the same belonging or in any
 ‘ wise appertaining, to have and to hold the said lot of land and premises thereby
 ‘ granted, bargained and sold or mentioned or intended so to be, unto the said Rec-
 ‘ tor, Church Wardens and Vestry, and to their successors and assigns for ever, but
 ‘ nevertheless on the conditions, and to and for, and upon the use, interests and pur-
 ‘ pose, and subject to the proviso hereinafter contained, as by reference to the said
 ‘ Indenture duly registered in the Office of the Register of Deeds in and for the City
 ‘ and County of Saint John, reference being thereunto had will more fully and at
 ‘ large appear; upon which said lot of land the said Rector, Church Wardens and
 ‘ Vestry of Trinity Church have erected a Church or Chapel of Ease, called and
 ‘ known by the name of “Saint John’s Church,” and which Church is with their
 ‘ assent to become the Parish Church of the said new Parish of Saint Mark to be
 ‘ erected by this Act : And whereas it appears expedient and proper, as well from
 ‘ the increase of the population, as from divers other good causes and considera-
 ‘ tions, that the prayer of the said Petitioners should be complied with ;’

Recital of deed by
 the Honorable
 Ward Chipman to
 the Corporation of
 Trinity Church.

Boundaries of lot
 of land on which
 Saint John’s
 Church is erected.

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

1. From and after the first Monday in May in this present year, that part of
 the said Parish of Saint John, in the City of Saint John, which lies to the north-
 ward of a line running east and west through the centre of Union Street, and of
 the easterly and westerly prolongation of such line to the boundary lines of the
 City, shall be and the same is hereby declared to be from and after the said first
 Monday in May next, a separate and distinct Parish within the said City of Saint
 John, for all matters and purposes Ecclesiastical or relating to the Church of Eng-
 land, by the name of *The Parish of Saint Mark in the City of Saint John*, and
 that the said Church or Chapel of Ease, called or known by the name of *Saint
 John’s Church*, shall be deemed and taken to be the Parish Church of the said
 Parish of Saint Mark, and that the Church Wardens and Vestry of the said
 Parish, so soon as they may be duly elected and chosen, together with the Rector for the
 time being, of the said Parish of Saint Mark, and their respective successors for ever,
 shall be a body politic in deed and in name, and shall have succession for ever by
 the name of *The Rector, Church Wardens and Vestry of Saint John’s Church in
 the Parish of Saint Mark, in the City of Saint John*.

Parish of Saint
 Mark’s erected for
 ecclesiastical
 purposes.

Saint John’s
 Church to be the
 Parish Church.

Rector, Church
 Wardens and
 Vestry incor-
 porated.

2.

Corporation vested with the described lot of land and Church.

2. The Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark aforesaid, shall and may on and from the said first Monday in May next, and forever thereafter, stand seized of, have, hold, possess, and enjoy the said lot of land and premises, with the appurtenances so granted and conveyed as aforesaid, by the said Ward Chipman, together with said Church or Chapel of Ease thereon standing and being, together with all and singular the rights, members, privileges and appurtenances to the same and every part and parcel thereof belonging, or in any wise appertaining, in like manner, and to all intents, uses and purposes, as the said Rector, Church Wardens and Vestry of Trinity Church, might or could before the passing of this Act have held or enjoyed the same by virtue of the said indenture, or otherwise howsoever; subject nevertheless to such legal and equitable lien or claim as the person or persons having and holding the bonds or other securities at present existing under the Seal of the said Rector, Church Wardens and Vestry of Trinity Church, may or can have upon the rents, issues and profits of the Pews in the said Church or Chapel of Ease, in the event of the other property now belonging to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, being at any time hereafter found insufficient to discharge the same, and subject also to the payment of the sum of one thousand pounds, with interest thereon half yearly, to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, as hereinafter mentioned.

Rights of others reserved.

Election of Church Wardens and Vestrymen of Saint John's Church.

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

Qualifications of the Church Wardens and Vestrymen and their election.

4. Owners of Pews in the respective Parish Churches of the said Parishes of Saint John and Saint Mark, being males of the age of twenty one years and upwards, and no other persons, shall be entitled to vote in the choice of, and also shall be qualified and capable to be elected and chosen Church Wardens and Vestrymen of the said Parishes respectively; provided that no person shall be eligible as a Church Warden or a Vestryman unless he shall be a member of the Church of England, and shall have been for at least six months previous a stated hearer and attendant at the Public Worship of the same; and provided also, that the ownership of a Pew in the Parish Church shall not entitle more than one person to vote in respect of said Pew at any election.

Rector, Church Wardens and Vestry of Saint John's Church to give a Bond to the Corporation of Trinity Church to secure £1,000.

5. The said Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark, in the City of Saint John, shall within two months after the passing of this Act, make and execute under their Common Seal a bond or obligation to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, in the City of Saint John, in the penal sum of two thousand pounds of lawful money of this Province, under and subject to a condition for payment to the said Rector, Church Wardens and Vestry of Trinity Church, in the Parish of Saint John, their successors and assigns, of the sum of one thousand pounds on or before the first day of January which will be in the year of our Lord one thousand eight hundred and seventy three, with lawful interest thereon, half yearly, on the first days of January and July in each and every year, until the said principal sum of one thousand pounds shall be fully paid, the first payment of such interest to be made on the first day of July next.

6. The said Rector, Church Wardens and Vestry of Saint John's Church, in the Parish of Saint Mark, shall have full power and authority in their own name or otherwise, to ask, demand, sue for, recover and receive, and likewise to take and use all other due and lawful means to enforce the payment of all rents for Pews in the said Church or Chapel of Ease due and in arrear, and payable on the first day of January last, and shall within one year after the passing of this Act, account for and pay over to the said Rector, Church Wardens and Vestry of Trinity Church, after deducting all expenses of collecting the same, the amount of such arrears of Pew rents.

Recovery and payment of Pew rents payable on or before 1st January last.

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

All the authority granted by law to any Church Corporation extended to the Parish of Saint Mark.

CAP. XIII.

An Act to provide against injuries to the Intervale Banks of the River Saint John.

Passed 14th April 1853.

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

1. The Commissioners of Roads in the Parishes of Maugerville and Sheffield, in the County of Sunbury, and in the Parishes of Canning, Cambridge, and Gagetown, in Queen's County, are hereby authorised and required to apply such part as they may deem necessary of the statute labour of the inhabitants or proprietors of lands in such Parishes respectively, for the purpose of securing and defending the banks of the River Saint John, lying in said Parishes, from wasting away, and for procuring such timber, brushwood, stone, and other materials, as may be found necessary for that purpose.

Commissioners of certain Parishes authorised to expend a part of the statute labour to protect the banks of the River.

2. That part of the said statute labour employed in securing the said banks where the public highway in the said Parishes runs, may be performed at such time or times in each year as may be most practicable; and the Commissioners returns thereof shall, after the present year, be made on or before the first day of June in each year.

When to be performed and accounted for.

3. Where it may be deemed necessary to apply the statute labour for the purposes of this Act, such statute labour shall be performed by the inhabitants at any time of the year that the Commissioners of Roads may direct for that purpose, under the provisions of the Law relating to Highways, accounts of which shall be rendered by the Surveyors and Commissioners in time to be submitted at the subsequent June Sessions of the Counties respectively, any thing contained in the Act passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to Highways*, to the contrary notwithstanding.

13 V. c. 4.

CAP. XIV.

An Act authorising the appointment of Commissioners of Sewers in Queen's County.

Passed 14th April 1853.

Preamble.

WHEREAS it is found expedient, for the proper carrying into effect the 'rules and regulations from time to time made by the Court of General Sessions of the Peace in Queen's County, in relation to Marshes, low Lands and Islands, pursuant to the provisions of an Act made and passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, that Commissioners of Sewers should be appointed for said County ;' Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows :—

13 V. c. 30.

Justices authorised to appoint Commissioners of Sewers.

1. That the Justices of the Peace for Queen's County shall, when found necessary at any General Sessions or at any Special Sessions, from time to time appoint and remove at pleasure, one or more fit persons to be Commissioners of Sewers for any Parish, District or place in said County, for the purpose of carrying into effect the provisions of the hereinbefore in part recited Act, in relation to Marshes, low Lands and Islands in said County.

Commissioners to be sworn.

2. Every such Commissioner of Sewers so appointed, shall be sworn to the faithful discharge of his duty either before the Sessions when appointed, or within fourteen days after such appointment, before a Justice of the Peace ; and such Justice shall forthwith make return to the Clerk of the Peace of every such officer so sworn.

Penalty for misbehaviour or neglect of duty.

3. If any person so appointed shall refuse to serve, or shall be guilty of any misbehaviour or neglect of duty, such person shall pay the sum of forty shillings for every neglect or misbehaviour ; and in addition to any penalty imposed for misbehaviour or neglect of duty, any such Sessions may dismiss from office any such Commissioner of Sewers, and appoint another in his stead.

CAP. XV.

An Act to unite a portion of a School District in the Parish of Saint David to the Parish of Saint James, in the County of Charlotte.

Passed 14th April 1853.

Preamble.

WHEREAS the Village of Moore's Mills, in the County of Charlotte, is divided by Dennis River, and lies partly in Saint David and partly in Saint James ; and the inhabitants having built a commodious School House and established a School on the Saint James side of the River, are anxious to enjoy 'the full benefits of the same ;' Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows :—

A certain portion of the Parish of Saint David united to the Parish of Saint James, for Parish School purposes.

1. That the portion of the Parish of Saint David, bounded on the north by the northern line of the land owned by Tristram Moore, east by the eastern line of said land to George S. Smith's southeast corner, thence west along the southern line of said Smith's land, and that of Andrew Buntin, to the Parish line of Saint James, thence along the said Parish line to the first mentioned boundary, be attached to and form part of School District number nine, in the adjoining Parish of Saint James, for all purposes connected with Parish Schools ; and that all the inhabitants residing within the before described boundaries be exempted from any action taken or to be taken by the inhabitants of Saint David in regard to Parish Schools, and made subject to the operation of all the laws relating to Parish Schools, so far as such laws apply to the Parish of Saint James, any law or usage to the contrary notwithstanding.

2.

2. This Act shall continue in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty five. Limitation.

CAP. XVI.

An Act to authorise the Justices of the Peace for the County of Charlotte to assess the inhabitants of the Parish of Saint Stephen for the erection of a Lock-up House in the said Parish.

Passed 14th April 1853.

‘WHEREAS the Lock-up House in the Parish of Saint Stephen has been Preamble.
 ‘destroyed by fire: And whereas by reason of the distance of the
 ‘said Parish from the Shire Town, and the risk, inconvenience and expense of
 ‘the removal of persons from thence to the County Gaol, it is deemed advisable
 ‘and necessary that another Lock-up House should be built;’

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

1. Her Majesty’s Justices of the Peace for the said County of Charlotte, or the major part of them, at any General Sessions of the Peace, shall be and they are hereby authorised and empowered to contract and agree with able and sufficient workmen, for building and finishing a Lock-up House or House of Correction at Saint Stephen, in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry this object into effect; and the said Justices, or the major part of them, at their General Sessions as aforesaid, are hereby authorised and empowered to make rate and assessment upon the inhabitants of the Parish of Saint Stephen for a sum not exceeding one hundred and fifty pounds, for defraying the expense of the erection and finishing the said Lock-up House or House of Correction, and from time to time to make such rules and regulations for the management of the said Lock-up House or House of Correction as to them may seem meet.

Authority to contract for building a Lock-up House or House of Correction.

Authority to assess and make regulations.

2. It shall and may be lawful for the High Sheriff of the said County, or for any other officer having legal custody of any person or persons who shall or may be arrested in the said Parish of Saint Stephen, or in any of the Parishes adjacent to the same, in all cases in which the said Sheriff or other officer could legally lodge the said person or persons in the common Gaol of the said County, to commit the said person or persons to the said Lock-up House or House of Correction until the said person or persons can be removed to the said County Gaol; provided always, that no person under civil arrest shall be detained in such Lock-up House or House of Correction for any space of time exceeding forty eight hours.

Authority to commit persons to the Lock-up House or House of Correction.

3. The said sum of one hundred and fifty pounds so to be assessed, shall be assessed, collected and paid agreeably to any Act in force for the assessing, collecting and levying of County Rates.

Assessment to be according to law.

CAP. XVII.

An Act to assess a certain District in the Parish of Saint Stephen, in the County of Charlotte, to defray the expense of a Fire Engine, Engine House, and other articles connected therewith.

Passed 14th April 1853.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Charlotte, at any General Sessions of the Peace hereafter to be holden, or the major part of them, be and they are hereby authorised and empowered to raise by assessments, the sum of six hundred pounds for the purpose of paying for a fire engine and engine house, building or sinking reservoirs, purchasing fire hooks and ladders, the preservation of the engine, and for the better extinguishing of fires that may happen

Authority to assess a part of the Parish of Saint Stephen for a Fire Engine, &c.

happen in that part of the Parish of Saint Stephen, in the said County, contained within the following limits, to wit:—Commencing on the Bank of the River Saint Croix, opposite or near the house recently occupied by the late Josiah Hitchings, thence directly to said house; thence northerly along the road leading towards Saint James, one mile; thence easterly one and a half miles, or until it strikes the Dennis Stream; thence along said Stream, and the course thereof, until it reaches the Saint Croix; thence westerly along the centre or middle of said River and the banks thereof, to the place of beginning; such assessment to be made in due proportion upon all and every person or persons who do or shall inhabit, hold, occupy, possess and enjoy any house, shop, mill, warehouse or other tenement or property liable to be consumed by fire within said District; such sum to be assessed, levied, collected and paid in such proportion, and in such manner as any County Rates can or may be assessed, levied, collected and paid, under any Act or Acts in force in this Province for assessing, levying and collecting of Rates for public charges.

CAP. XVIII.

An Act for the better and more effectual securing the navigation of the River Saint Croix, in the County of Charlotte.

Passed 14th April 1853.

Preamble.

WHEREAS on the River Saint Croix, in the Parish of Saint Stephen, 'there are a number of machines for sawing laths, clapboards, and other small lumber, the slabs and refuse of which are generally thrown into said River, filling up the channel and obstructing the navigation thereof;'

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

Penalties for throwing slabs or waste lumber into the River.

1. That all and every owner, lessee or agent of any mill engaged in the manufacture of any description of sawed lumber on the said River Saint Croix, in the Parish of Saint Stephen, who shall throw or allow to be thrown out of their or any or either of their mills, any slabs or other waste lumber into said River, that may tend to fill up the channel of said River, shall be liable to pay a fine of five pounds for the first offence, and ten pounds for the second and every succeeding offence, to be recovered with costs of suit by plaint or information had or made before any one of Her Majesty's Justices of the Peace for the County of Charlotte; the said fine to be given for the use of the poor in the Parish where the offence may be committed, and in case of the non-payment of said fine, the parties to stand committed to the County Gaol until paid.

Recovery.

Application.

Liability to extend to the owners, &c. of the mills, whether the offence be committed by themselves or their servants.

2. Each and every of the said owners, lessees, agents or labourers in said mills, are severally liable for said fine, whether the act of throwing in such waste stuff be committed by themselves or those in their employ or under their control, and the said parties subject to said fines, may have recourse, under this Act, to recover such fines and costs from the parties actually throwing in such waste stuff or lumber, in the way and in the same manner as said fine is collected of them.

Commencement of Act.

3. This Act shall come into operation at such time as may be fixed therefor by Proclamation of His Excellency the Lieutenant Governor, on his being satisfied that a Law has been passed by the Legislature of the State of Maine, or by other competent authority of the United States of America, with similar provisions for more effectually securing the navigation of the said River within the said State of Maine.

Limitation.

4. This Act shall not continue to be in force for a longer period than the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

CAP.

CAP. XIX.

An Act to confirm the Parish Officers elected by the Rate Payers of the Parish of Newcastle, in the County of Northumberland, in January last, in their respective offices for the year one thousand eight hundred and fifty three.

Passed 14th April 1853.

WHEREAS the Rate payers for the Parish of Newcastle, in the County of Northumberland, in January last, met and elected Parish Officers for the current year according to Law, and the list thereof was duly certified, attested and filed by the Town Clerk of the said Parish with the Clerk of the Peace for the said County in January last, and before the said General Sessions had made any appointment of Parish Officers for the said Parish: And whereas the said General Sessions adjourned without confirming the list of Parish Officers so elected by the Rate payers, certified, attested and filed as aforesaid, whereby the said Parish of Newcastle is left without legally appointed Parish Officers for the current year; for remedy whereof,

Preamble.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Parish Officers elected by the Rate payers of the said Parish of Newcastle at the meeting held by them on the fourth day of January last, of whom a list, duly certified and attested by the Town Clerk of the said Parish, was filed with the Clerk of the Peace for the said County of Northumberland on the eleventh day of January last, be and they are hereby confirmed in the several and respective offices to which they were so elected, as fully in every respect as if the said list so filed had been duly confirmed by the General Sessions of the said County held in January last, after the filing of the said list.

Parish Officers elected by Rate payers of Newcastle, in January last, confirmed in their offices.

CAP. XX.

An Act in addition to and in amendment of an Act intituled *An Act to authorise 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.*

4 V. c. 25.

Passed 14th April 1853.

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

1. The first section of the Act in the title hereof recited be and the same is hereby repealed; and in lieu of such section, the Justices of the Peace for the said County, or the major part of those present at any General Sessions of the Peace hereafter to be holden, or at a Special Sessions for that purpose to be called, may and they are hereby authorised and required by themselves, or by persons to be by them appointed, to erect or cause to be erected a Lock-up House in the said Town of Chatham, on a piece of ground to be by them for that purpose purchased or appropriated; and the said Justices, or the major part of them, at any General or Special Sessions of the Peace, are hereby authorised and required to make a rate and assessment for a sum not exceeding two hundred and fifty pounds, to defray the expense of purchasing said land and erecting and finishing said Lock-up House; such assessment to be levied and collected in such proportions and in such manner on the inhabitants and property in such County, residing or being situate on the front lots between the lower side of Clark's Cove and the upper side of Saint Andrew's Church, in the Parish of Chatham, in the said County, including all the inhabitants of said Parish living 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.

4 V. c. 25, s. 1, repealed.

Authority to erect a Lock-up House in Chatham.

Authority to assess not exceeding £250.

Limits for the assessment purposes.

Public meeting to be held before assessment be ordered.

2. Before any assessment be ordered by the Sessions to defray the expense of erecting such Lock-up House, a meeting of the freeholders and householders liable to be assessed under this Act, shall be first called by the Town Clerk of the said Parish, ten days notice of the time and place of which shall be first given, by posting printed handbills in at least ten of the most public places within the District, and at such meeting no person shall have a right to be present or vote except the persons liable to be assessed under this Act; and if a majority of the persons present shall be in favour of such assessment, in such case the General Sessions of the said County may thereupon order an assessment to be made, in pursuance of the provisions in the preceding section.

Organization of meeting.

3. The meeting shall proceed to organize by appointing a Chairman and Clerk of such meeting by vote of the majority.

Favourable decision of meeting to be certified to the Sessions.

4. If a majority of the meeting shall be in favour of such assessment, the Chairman shall forthwith certify the same to the General Sessions of the said County, to be laid before the next General or Special Sessions of the Peace that may be held in said County.

Recited Act to remain in force.

5. The said recited Act shall be and remain in full force and effect, except so far as the same is hereby altered and amended.

CAP. XXI.

An Act to repeal an Act to amend an Act to consolidate and amend the Laws relative to the local government of Counties, Towns and Parishes, so far as relates to the County of Victoria.

Passed 14th April 1853.

Act 14 V. c. 30, repealed as regards the County of Victoria.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fourteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend an Act to consolidate and amend the Laws relative to the local government of Counties, Towns and Parishes*, so far as relates to the County of Victoria, be and the same is hereby repealed.

CAP. XXII.

An Act for altering the time of holding one of the Courts of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland.

Passed 14th April 1853.

Preamble.

WHEREAS the Terms for holding the Courts of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland have been found inconvenient; for remedy whereof,

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

Court to be held on the second Tuesday in December.
No Process to abate.

1. The said Courts shall be hereafter holden on the second Tuesday in December, instead of the third Tuesday in November, in each and every year; provided always, that no Process shall abate or be discontinued by reason of the alteration of the said Term, but shall and may be proceeded upon, heard and determined at the Term herein appointed, in the same manner as they might have been proceeded upon had no alteration been made.

4 G. 4, c. 28, and

2. An Act made and passed in the fourth year of the Reign of His Majesty King George the Fourth, intituled *An Act for altering the Terms of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland*; also so much of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws to provide for the administration of Justice in the Inferior Courts of Common*

13 V. c. 47, in part repealed.

Common Pleas and General Sessions of the Peace, as provides for the holding of the Inferior Court of Common Pleas and General Sessions of the Peace in and for the said County of Westmorland on the third Tuesday in November, be and the same are hereby repealed.

CAP. XXIII.

An Act to authorise the sale of the Alms House Property in the County of York.

Passed 14th April 1853.

WHEREAS it is desirable that the inhabitants of the several Parishes in the County of York, having an interest in the Alms House Property in the said County, should be authorised to dispose of their rights therein;

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

1. That upon a requisition signed by twelve rate payers upon property in any Parish in the said County interested in the Alms House, the Parish Clerk shall call a public meeting of the rate payers upon property resident in such Parish, and who shall have paid the rates legally due from them in such Parish, to consider the propriety of disposing of the interest of the inhabitants of such Parish in the Alms House.

Presamble.
Public meeting to be called to consider the propriety of selling the Alms House property.

2. Thirty days notice of the time and place of such meeting shall be given by publication thereof in a Newspaper published in the County, and by handbills posted up in six public places in such Parish.

Notice.

3. The Clerk of the Parish shall preside at such Meeting, and if it shall be determined by the majority of such rate payers upon property then present, that a sale of the interest of such Parish in the said Alms House should take place, then the said Clerk shall forthwith transmit to the Clerk of the Peace of the County a report of the proceedings of such meeting, signed by him, and sworn to before a Justice of the Peace of the County, together with an affidavit of the due publication of the said notices.

Report of proceedings to be sent to the Clerk of the Peace.

4. The Clerk of the Peace shall at the next General Sessions after the receipt of any such report, or at any Special Session to be called for that purpose, lay before such Sessions the reports so transmitted to him, and it shall be lawful for the Justices in such Session, to order to be sold at public auction to the highest bidder, the interest of one or more such Parishes.

To be by him laid before the Sessions.

5. Upon any such sale being made, and the purchase money paid or secured to the Justices of the Peace of the said County, such Justices shall convey to the purchaser thereof, by Deed in the name of the Justices of the Peace of the County of York, all the right, title and interest of any such Parish in the said Alms House, and the land thereto belonging; and any such conveyance being duly executed under the Seal of the General Sessions of the said County, signed by the Chairman presiding at such Sessions, and countersigned by the Clerk of the Peace, and proved in the manner provided for the proof of Deeds of Corporations, may be registered in the office of the Register of Deeds and Wills for the said County, and shall vest in the purchaser thereof all the right, title and interest of the said Justices, either at law or in equity, in the said property, so far as relates to the said Parish in respect to which such sale shall have been made.

Authority to convey property to the purchaser.

6. The proceeds of the sale of the said property shall be paid to the County Treasurer for the public use of the respective Parishes authorising such sale; provided nevertheless, that no such proceeds shall be paid by the said Treasurer to any person until the full amount actually due Joseph Fleming, as Alms House Keeper, (if any at the time of such sale,) be first paid off and discharged.

Application of the proceeds of sale.

7.

Subsequent meetings may be called if the first cannot agree.

7. If the rate payers present at any such meeting, called for the purpose of this Act, cannot agree to dispose of the interest of the Parish in the Alms House, or if no contract can be made by the Justices for such sale, it shall be lawful for the respective Clerks of the Parishes, as often as occasion may require, to call other public meetings for that purpose, in the manner directed in the first and second sections of this Act, and the same proceedings shall be had thereon as directed for such first meeting.

CAP. XXIV.

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

Passed 3rd May 1853.

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

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

Grant of land to the children of late W. and E. M'Cluskey.

The sum of twenty four pounds be granted and paid into the Casual Revenue in payment of a grant of land to William, James, Susan, Jeremiah, Robert, George and Elizabeth M'Cluskey, children of the late William and Elizabeth M'Cluskey, the latter of whom fell a victim to the fury of William Karrigan, a lunatic, in the Parish of Westfield, in King's County, in the year one thousand eight hundred and fifty one. .

Madras Schools.

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

Wesleyan Academy.

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

Baptist Seminary.

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

Roman Catholic School, Saint John.

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

Free School, Portland.

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

Distressed Indians.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two hundred and fifty pounds, to be applied in relieving sick and distressed Indians in this Province, and for procuring Seed Grain and Potatoes.

J. Kollock.

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

J. Dixon.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of six pounds to enable Joseph Dixon to pay for a lot of land on which he now resides.

Seamen's Hospital, Bathurst.

To the Commissioners of sick and disabled Seamen for the Port of Bathurst, the sum of one hundred pounds to enable them to build a Seamen's Hospital at said Port.

Distressed Emigrants, Saint John.

To the Commissioners of the Alms House and Work House for the City and County of Saint John, the sum of two hundred and twenty pounds fifteen shillings and nine pence to reimburse expenses incurred in support and relief of sick and distressed Emigrants at that establishment during the past year; and also the further sum of thirty six pounds two shillings and nine pence to reimburse expenses

expenses incurred at Partridge Island for the same purpose during that year; to be taken from the Emigrant Fund.

To the Overseers of the Poor for the Parish of Bathurst, in the County of Gloucester, the sum of twenty two pounds fifteen shillings to reimburse them expenses incurred in support and relief of a sick and distressed Emigrant family in the year one thousand eight hundred and forty eight; to be taken from the Emigrant Fund. Distressed Emigrants, Bathurst.

To Thomas M'Avity the sum of fifty pounds to remunerate him for superintending the Emigrant Buildings, and the landing and supervision of Emigrants at Saint John for the year one thousand eight hundred and fifty two; to be taken from the Emigrant Fund. T. M'Avity, services.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred pounds in aid of building a Toll Bridge across the North West Branch of the Miramichi River, on the Great Road from Fredericton to Newcastle, to be paid on its being certified to the satisfaction of the Lieutenant Governor in Council, that the said Bridge has been well and faithfully built and in operation according to the provisions of the Act of Incorporation. Toll Bridge, North West Branch of Miramichi.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being the sum of two hundred pounds for the purpose of making a Draw in the Bridge across the Richibucto River in the County of Kent. Draw in Richibucto Bridge.

To Emily Rothburn and Sarah Watson, Daughters of the late Louisa Watson, Widow of the late Peter Watson, who served His Majesty faithfully in the late Revolutionary War in America, the sum of twelve pounds ten shillings, being amount due their said Mother at the time of her death. E. Rothburn and S. Watson, for late P. Watson.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds in aid of the Saint Stephen Academy. Saint Stephen Academy.

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

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

To Hannah M'Donald, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances. H. M'Donald, relief.

To Mary Harned, Widow of the late Alward Harned, many years Door-keeper of this House, the sum of ten pounds. M. Harned, relief.

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

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

To the Committee of the Infant School at Fredericton the sum of fifty pounds in aid of that institution. Infant School, Fredericton.

To Deborah Ann Lugin, Widow of the late George K. Lugin, many years King's Printer in this Province, the sum of fifteen pounds to aid her in her present destitute circumstances. D. A. Lugin.

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

To Mary Ann Patterson the sum of four pounds ten shillings for teaching a School in the Parish of Saint Martins for three months ending first December one thousand eight hundred and fifty one. M. A. Patterson, teaching.

C. Flower,
teaching.

To Cornelius Flower the sum of seven pounds ten shillings for teaching a School in the Parish of Studholm, in King's County, for the period of three months ending thirty first day of December one thousand eight hundred and fifty one.

J. S. Hay, teaching.

To John S. Hay the sum of five pounds ten shillings for teaching a School in the Parish of Saint George, in the County of Charlotte, for a period of three months ending the sixth day of April one thousand eight hundred and fifty two.

D. Groom, relief.

To Dorothy Groom, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds, being the usual allowance.

L. Wannamaker,
relief.

To Leah Wannamaker, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds, being the usual allowance.

S. D. Miller,
teaching.

To Samuel D. Miller, Teacher of the Commercial School, the sum of fifty pounds for and on account of said School.

Poor Female
School, Fredericton.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in aid of individual subscription, towards the support of a Female School for poor children in Fredericton.

W. A. Letson,
reimbursement.

To William A. Letson, of Chatham, Miramichi, the sum of six pounds two shillings and two pence, amount due for supplies advanced in eighteen hundred and forty seven for the Ship "Looshtauk," afterwards deducted by the Sessions.

Roman Catholic
School, Saint
Andrews.

To the Reverend James Quinn, Dennis Bradley, and Charles Bradley, the Committee of Management of the Roman Catholic School in the Town of Saint Andrews, the sum of thirty pounds to assist them in supporting said institution.

M. M'Nichol, relief.

To Mercy M'Nichol, of the Parish of Saint George, Widow of the late Neil M'Nichol, an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her distressed circumstances.

M. Grierson, relief.

To Margaret Grierson, of the Parish of Saint George, Widow of the late James Grierson, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her distressed situation.

J. Hawkins, relief.

To Jane Hawkins, of the Parish of Pennfield, Widow of the late William Wilmot Hawkins, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her distressed circumstances.

M. Pratt, relief.

To Mary Pratt, of the Parish of Saint George, Widow of the late James Pratt, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her destitute circumstances.

A. H. Weeks,
teaching.

To A. H. Weeks a sum not exceeding fifty pounds for teaching a superior School in Buctouche, in the County of Kent, for one year ending first April one thousand eight hundred and fifty two.

Supplies to Ship
Looshtauk.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding thirty pounds five shillings and eight pence to pay several persons the balances due them for labour and supplies, performed and furnished in one thousand eight hundred and forty seven, under the authority of a Committee of the Sessions of Northumberland, towards the relief of the Emigrant Ship "Looshtauk," whose claims were afterwards reduced by the General Sessions; no part of the said sum to be paid till it shall be made satisfactorily to appear to His Excellency, that such claims were actually deducted by the Sessions; the said sum to be in full of all claims.

W. Ruddock, M.D.,
services.

To William Ruddock, M. D., a sum not exceeding twenty pounds for professional services and attendance upon sick and indigent Indians in the County of Saint John.

L. Bell, relief.

To Letty Bell, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her present destitute circumstances.

To Hugh H. Wilson the sum of ten pounds for his services in vaccinating several poor Indians. H. H. Wilson,
services.

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

To Eliphaz Coddington, of Grand Manan, the sum of ten pounds to remunerate him in part for services during the late War, he being in very destitute circumstances and eighty two years old. E. Coddington,
relief.

To the Trustees of Schools for the Parish of Colborne, in the County of Restigouche, the sum of twenty pounds to be applied towards the support of a School on Heron Island at present taught by William Gilmore; the same not to be drawn from the Treasury until it is certified by the County Inspector that the said School has been taught to his satisfaction for the period of twelve months. School on Heron
Island.

To Mary Whelpley, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds, being the usual allowance. M. Whelpley,
relief.

To Magdalen Schurman, Widow of an old Soldier of the Revolutionary War in America, the sum of ten pounds to relieve her in her present destitute circumstances. M. Schurman,
relief.

To Sarah Creekmore, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to relieve her in her present destitute circumstances. S. Creekmore,
relief.

To Michael White, the sum of one hundred pounds for his services as Clerk in the Office of the Clerk of the Pleas for the past year. M. White, services.

To Cadwallader E. Sayre, the sum of ten pounds to relieve him in his present destitute circumstances. C. E. Sayre,
services.

To the Justices of the Peace for the County of Restigouche the sum of thirty pounds to reimburse the said County in part for expenses incurred in the removal of a transient Lunatic pauper from the gaol in the said County to the Provincial Lunatic Asylum, by order of the Lieutenant Governor in Council, in the month of February one thousand eight hundred and fifty one, agreeably to the Report of the Select Committee. Justices of Resti-
gouche, removal of
a Lunatic.

To Finemore Morton, the sum of twelve pounds to remunerate him for teaching a School six months in the Parish of Sussex, ending the second day of February one thousand eight hundred and fifty three. F. Morton,
teaching.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds for the purpose of extending the Wharf from the foot of Regent Street to the Ferry Landing at Phoenix Square in the City of Fredericton; the same not to be drawn from the Treasury until a like sum be raised and expended by the inhabitants towards the said object. Wharf from Regent
Street to the Ferry
Landing at
Phoenix Square.

To William Napier, Gauger and Weigher at the Port of Bathurst, the sum of eight pounds two shillings for his services in that capacity during the past year. W. Napier,
services.

To Martin Cranney, Gauger and Weigher at Miramichi, the sum of eleven pounds eleven shillings and ten pence for his services in that capacity during the past year. M. Cranney,
services.

To Gilmour, Rankin and Company, of Miramichi, the sum of ten pounds fourteen shillings and three pence to refund them duties twice paid on a cargo of Timber and Deals, agreeably to Report of Committee of Trade. Gilmour, Rankin
& Co., return
duties.

To David W. Jack, Deputy Treasurer at Saint Andrews, the sum of fifty pounds for his services in that capacity the past year, in addition to the amount allowed by Law. D. W. Jack,
services.

To William Muirhead, of Chatham, the sum of thirty pounds three shillings and W. Muirhead,
return duties.

and seven pence to refund duties on a quantity of Goods destroyed by fire at that place on the fifteenth of June last.

N. Lindsay and
D. Upton, return
duties.

To Ninian Lindsay and David Upton, of Saint Stephen, the sum of twenty four pounds thirteen shillings to enable them to cancel a Bond at the Deputy Treasurer's Office, securing duties on a Fire Engine and apparatus imported for the use of that Town.

Breakwater at
Sand Point.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of seven hundred pounds towards erecting a Breakwater at Sand Point, on the western side, for the protection of the Harbour.

C. Lloyd, services.

To Charles Lloyd, Gauger and Weigher at Restigouche, the sum of four pounds seven shillings for his services in that capacity the past year.

Packet between
Bay Verte and
Charlottetown.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds to aid William Chappell, of Bay Verte, in running a suitable Vessel as a Packet weekly between that place and Charlottetown, Prince Edward Island, during the present year; the same not to be drawn until it be satisfactorily certified to the Government that the work has been faithfully and properly done during open water.

J. N. M. Brewer,
return duties.

To J. N. M. Brewer, of Robinston, in the State of Maine, the sum of twenty three pounds three shillings and seven pence to refund him duties paid on Rigging, Sails, &c. imported into Saint Andrews, in this Province, and immediately shipped for the United States, where they again paid duties.

H. Eastman,
return duties.

To Henry Eastman, of Saint Stephen, the sum of twenty one pounds fourteen shillings to enable him to cancel his Bond for Export duty on a cargo of Lumber shipped to Barbadoes in the Ship "Venelia," which vessel was totally lost on her passage.

W. E. Samuel,
return duties.

To William E. Samuel, of Chatham, the sum of six pounds sixteen shillings to refund him Duties paid in excess on two trunks Prunella Boots and Shoes, and two trunks Cloth and Felt Boots, imported by him in one thousand eight hundred and fifty two.

J. Armstrong & Co.,
return duties.

To John Armstrong and Company, of Saint John, the sum of six pounds eleven shillings to refund them duties paid on Goods imported into that place and subsequently exported to Nova Scotia.

Wharf at Ferry
Point, Albert
County.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds, in aid of individual subscription, towards building a public Wharf near Ferry Point, in the County of Albert.

N. M'Bean, relief.

To Nancy M'Bean, of Saint Stephen, in the County of Charlotte, Widow of an old Soldier of the Revolutionary War, the sum of twenty pounds, being Pension for two years last past.

J. Hamilton, relief.

To Jane Hamilton, of Saint George, in the County of Charlotte, Widow of the late James Hamilton, an old Soldier of the Revolutionary War, the sum of ten pounds.

D. M'Farlane,
relief.

To Duncan M'Farlane, of Saint Patrick, in the County of Charlotte, Son of the late Ruth M'Farlane, Widow of an old Soldier of the Revolutionary War, the sum of seven pounds ten shillings, being amount due his late Mother at the time of her death.

J. Pritchard, relief.

To John Pritchard, of Woodstock, in the County of Carleton, the sum of two pounds ten shillings, being amount due Abigail Davenport, the Widow of an old Soldier of the Revolutionary War, at the time of her death.

E. Turner, relief.

To Eliza Turner, of Fredericton, Daughter of the late Elizabeth Brown, the Widow of an old Soldier of the Revolutionary War, the sum of ten pounds, amount due her late Mother at the time of her death.

To

To Jane M'Rae, of Chatham, in the County of Northumberland, Widow of the late Duncan M'Rae, an old Soldier of the Revolutionary War, the sum of ten pounds, being for Pension up to first April one thousand eight hundred and fifty three. J. M'Rae, relief.

To Sarah Greenlaw, of West Isles, in the County of Charlotte, Widow of the late Elijah Greenlaw, an old Soldier of the Revolutionary War, the sum of ten pounds. S. Greenlaw, relief.

To Andrew Martin, Son of the late Prudence Martin, Widow of an old Soldier of the Revolutionary War, the sum of two pounds ten shillings, being the amount due his late Mother at the time of her death. A. Martin, relief.

To the Commissioners of Light Houses for the Bay of Fundy, the sum of one thousand five hundred pounds to meet the Contingencies of the present year; and a further sum of two hundred and fifty pounds towards the support of the Lights at Brier Island and Cape Sable Seal Island, in the Province of Nova Scotia; also the sum of fifteen pounds to improve the Road to the Light House at Cape Enrage. Light Houses Bay of Fundy, Brier Island and Cape Sable Seal Island.

To the Commissioners of Light Houses in the Gulf of Saint Lawrence, the sum of one hundred pounds to pay off the balance now due them, and to meet the Contingencies of the current year. Light Houses in Saint Lawrence.

To the Overseers of the Poor of Shediac, in the County of Westmorland, the sum of nineteen pounds one shilling and nine pence to reimburse them expenses incurred in a case of Small Pox, and in protecting the inhabitants from the ravages of that disease. Overseers of Poor, Shediac; Small Pox.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one hundred pounds, in aid of individual subscription to an equal amount, for the purpose of building a Public Landing at Maugerville, in the County of Sunbury, and for securing the Highway at Estey's Creek. Public Landing, Maugerville.

To Charles Johnston, Esquire, High Sheriff of the City and County of Saint John, the sum of fifteen pounds thirteen shillings, to pay certain expenses connected with the several Elections in the City and County of Saint John for which Vouchers were not previously furnished. High Sheriff, Saint John, Elections.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one hundred pounds towards the erection of a Marine Hospital at Shediac, in case the same should be required the present year. Marine Hospital, Shediac.

To John Fraser, of Newcastle, in the County of Northumberland, nine pounds nine shillings and four pence for his services as Gauger and Weigher for the said County for one thousand eight hundred and fifty two. J. Fraser, services.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds to be applied towards finishing the Wharf near Thomas Flewelling's, on the Saint John River. Wharf near Flewelling's, Saint John.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to assist in building a Bridge across the Nerepis at Salmon Rock, so called. Bridge across the Nerepis.

To the Reverend M. Power, John M'Kenna, John Mehan, and John Brown, Managing Committee of the Roman Catholic School at Bathurst, the sum of forty pounds towards the support of that institution. Roman Catholic School, Bathurst.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds towards erecting a Public Wharf and Steam Boat Landing at Saint Andrews; the same to be in aid of individual subscription, and not to be drawn from the Treasury until it shall Wharf and Steam Boat Landing, Saint Andrews.

shall be satisfactorily certified to His Excellency that a like sum has been subscribed and paid, and expended upon the above work, and the Wharf completed to the satisfaction of the Government.

Legislative
Library.

To the Joint Committee of the Legislative Library, the sum of three hundred pounds sterling to pay for the last importation of Books, and to procure an additional supply, and also to pay expenses incurred in fitting up the Library.

D. Stewart, Esq.,
services.

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

J. Robicheau,
ferryage.

To John Robicheau the sum of five pounds for ferrying Her Majesty's Mails over the Tracadie River, County of Gloucester, for the year one thousand eight hundred and fifty two.

J. Dorning, labour.

To John Dorning the sum of five pounds to remunerate him for labour performed in keeping open the Great Road a distance of thirteen miles, through the wilderness, in the winter of one thousand eight hundred and fifty two.

Wharf and Landing
at New Bandon.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds towards building a Wharf and Public Landing in front of lot number fourteen, at New Bandon, in the County of Gloucester; provided a similar sum be subscribed and paid towards the same object, and be expended towards the erection of the said Wharf, to be certified to the satisfaction of His Excellency the Lieutenant Governor in Council.

Firewards Saint
Andrews, return
duties.

To the Firewards of the Town of Saint Andrews the sum of twenty four pounds ten shillings and one penny, being amount of duties paid on a Fire Engine and other apparatus recently imported by them.

Robert Potts, land.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding twelve pounds to pay for a tract of land for Robert Potts, in the County of Kent, on which the said Robert Potts now resides.

S. Hughes, relief.

To Sarah Hughes, Widow of John Hughes, of the Parish of Waterborough, Queen's County, the sum of twenty five pounds to assist her in her aged and destitute circumstances.

Fishery Societies.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the purpose of encouraging Fishery Societies in the same manner as the Agricultural Societies are by law.

D. Stuart, gauging.

To Duncan Stuart, Warehouse Keeper and Gauger for the Parish of Saint Stephen, in the County of Charlotte, the sum of thirteen pounds three shillings and six pence to remunerate him for Gauging in one thousand eight hundred and fifty two.

Wharf at
Buctouche.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds for the purpose of building a Public Wharf at Buctouche, in the County of Kent; such sum to be in aid of individual subscription, and not to be drawn from the Treasury until a similar sum be first raised and paid; and further, until such Wharf be erected and finished to the satisfaction of the Government.

Marine Hospital,
Dalhousie.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds to be applied towards the erection of a Marine Hospital at the Town of Dalhousie, in the County of Restigouche.

M. Walsh, teaching.

To Michael Walsh, of the Parish of Westfield, County of King's, the sum of six pounds for teaching a School for a period of four months ending first May one thousand eight hundred and fifty two. To

To Thomas Boyd, of the Parish of Simonds, County of Carleton, the sum of nine pounds for teaching a School for a period of six months ending fifteenth May one thousand eight hundred and fifty two. T. Boyd, teaching.

To Eliza Carlyle, of the Parish of Pennfield, in the County of Charlotte, the sum of ten pounds for teaching a School for six months ending thirteenth June one thousand eight hundred and forty eight. E. Carlyle, teaching.

To William D. Estey, of the Parish of Woodstock, in the County of Carleton, the sum of five pounds twelve shillings and six pence for teaching a School for three months ending second March one thousand eight hundred and fifty two. W. D. Estey, teaching.

To William Corry, of the City of Saint John, the sum of twenty pounds for teaching a School for twelve months ending first May one thousand eight hundred and fifty two. W. Corry, teaching.

To Penelope Herring, of the City of Saint John, the sum of twenty pounds for teaching a School for twelve months ending thirty first December one thousand eight hundred and fifty two. P. Herring, teaching.

To Rachel Martin, of the City of Fredericton, the sum of twenty pounds for teaching a School for twelve months ending thirty first December one thousand eight hundred and fifty two. R. Martin, teaching.

To Catherine W. Chamberlain, of the City of Saint John, the sum of twenty pounds for teaching a superior School for twelve months ending thirty first December one thousand eight hundred and fifty two. C. W. Chamberlain, teaching.

To Elizabeth Phillips, of the City of Saint John, the sum of twenty pounds for teaching a School for twelve months ending thirty first December one thousand eight hundred and fifty two. E. Phillips, teaching.

To Mary M. Leggett, of the Parish of Studholm, King's County, the sum of twenty pounds for teaching a superior School for a period of twelve months ending thirty first December one thousand eight hundred and fifty two. M. M. Leggett, teaching.

To John Cathcart, Junior, of the Parish of Saint Patrick, in the County of Charlotte, the sum of ninety nine pounds thirteen shillings and four pence to remunerate him for a loss of a property purchased by him under a grant from the Crown to James Linton, which had been previously granted, and for expenses incurred in defending his title to the said property. J. Cathcart, Jr. reimbursement.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred pounds towards repairing and extending the Wharf at Dorchester Island, in the County of Westmorland, pursuant to an Address of this House on the eleventh day of March last. Wharf at Dorchester Island.

To the High Sheriff of the County of Westmorland the sum of sixty three pounds eighteen shillings and eight pence for expenses incurred in holding an Election for that County in the year one thousand eight hundred and fifty two, in addition to the amount allowed by law. High Sheriff of Westmorland, Election.

To the High Sheriff of the County of Northumberland the sum of sixty three pounds eighteen shillings and eight pence for expenses incurred in holding an Election for that County in the year one thousand eight hundred and fifty two, in addition to the amount allowed by law. High Sheriff, Northumberland, Election.

To the High Sheriff of the City and County of Saint John, the sum of sixty three pounds eighteen shillings and eight pence for expenses incurred in holding an Election for that County in the year one thousand eight hundred and fifty two, in addition to the amount allowed by law. High Sheriff, Saint John, Election.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding fifty pounds, to enable the Deputy Treasurer at the Port of Richibucto, in the County of Kent, to discharge certain Warehouse To cancel Warehouse Bonds by J. W. Holderness.

Warehouse Bonds entered into by John W. Holderness for duties on certain Goods imported by him at that place, which were destroyed by fire in May one thousand eight hundred and fifty one; the same not to be drawn until satisfactory affidavits be forwarded to the Executive Government establishing the allegations in Mr. Holderness' petition.

Lazaretto at
Tracadie.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of eight hundred pounds for the support and maintenance of the Tracadie Lazaretto the current year, and for discharging any balances that may be found due on last year's expenditure.

Provincial Lunatic
Asylum.

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

Provincial
Penitentiary.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand two hundred and fifty pounds towards the support of the Provincial Penitentiary for the current year.

Hillsborough
Public Hall.

To the Directors of the Hillsborough Public Hall the sum of one hundred pounds to assist them in paying the debt against the said building.

Steam Boat
Landing at Welch
Pool.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seventy pounds towards the erection of a Steam Boat Landing at Welch Pool, Campo Bello; not to be drawn from the Provincial Treasury until a like sum has been raised and paid in towards that object to the satisfaction of the Government.

Milicete Indians,
Fredericton.

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

Grimross Neck
Canal.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one thousand seven hundred and fifty pounds, in addition to one thousand two hundred and fifty pounds already secured by an Act of Assembly, for the purpose of constructing a Canal across the Grimross Neck, in Queen's County; no Warrant to issue for any portion of said several sums until it be satisfactorily certified to the Government that the above work can be performed and completed in every respect for a sum not exceeding three thousand pounds; and Bonds, to the satisfaction of the Government, with competent sureties, executed by responsible persons, that they will undertake and complete the work accordingly.

Protection of
Revenue.

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

Obstructions in
South West Branch
Miramichi.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds for the purpose of making an exploration and estimate of the expense of removing obstructions on the South West Branch of the Miramichi, from the head of the Fishery to the Bridge at Doak's, for the information of this House at its next Session.

Wharf at
Oromocto.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty pounds, in aid of individual subscription, towards erecting a Wharf at or near the mouth of the Oromocto, in the County of Sunbury; the same not to be drawn until satisfactory proof has been given to the Lieutenant Governor in Council, of a similar sum having been subscribed and paid in towards that object, and that that sum is necessary to complete a good and substantial Wharf.

To

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of sixty three pounds fifteen shillings, towards deepening the Channel leading towards the Public Landing, and improving the Navigation of Hamilton Creek, in the County of Albert; said sum to be paid on satisfactory evidence being given to the Lieutenant Governor in Council that the sum of sixty three pounds fifteen shillings has been paid into the Commissioner to be appointed for superintending the work; and that the said two sums will accomplish the object in view, or if more be requisite, that the same has been raised and paid in.

Wharf and Channel, Hamilton Creek.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of forty pounds ten shillings, in aid of individual subscription, towards building a Public Wharf at Mr. Isaac Vanwart's, on the west bank of the River Saint John, opposite the south end of Long Island; such sum not to be drawn until satisfactory proof has been given to the Lieutenant Governor in Council that a similar sum has been subscribed and paid in towards that object, and that that amount is necessary to complete a good and substantial Wharf.

Public Wharf at Isaac Vanwart's, opposite Long Island.

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

M. Collins, relief.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two thousand pounds for enlarging and finishing the Provincial Lunatic Asylum as near as possible agreeably to the original design.

Provincial Lunatic Asylum.

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

Quarter Master General Militia Forces.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the purpose of encouraging the erection of Oat Mills in proper situations throughout the Province, no greater sum than twenty five pounds to be appropriated to the owner of any one Mill and Kiln; the said bounty not to be paid until it shall be certified to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by the Court of General Sessions of the Peace of the County within which such Oat Mill and Kiln may be situate for which such bounty is claimed, and that the same have been established at a convenient place for the accommodation of the inhabitants of the County, and are actually in operation, and in every way fitted for the manufacture of Oatmeal; provided that no Mill or Kiln which may have received any previous bounty by virtue of any Law or Resolution heretofore made, shall be entitled to the bounty given by this Resolution.

Oat Mills and Kilns.

To the Commissioner of Government House the sum of sixty pounds for Coals for the Public Rooms and Offices in Government House.

Government House Coals.

To the Adjutant General of the Militia Forces the sum of eighty five pounds for his services in that capacity the past year.

Adjutant General.

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

Clerk of the Crown, Supreme Court.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred pounds towards making and completing the Road and Approaches on both sides leading towards the suspension Bridge across the Falls, at the mouth of the River Saint John.

Approaches to Suspension Bridge across the Falls.

- S. Benson, services.** To Stafford Benson, of Chatham, in the County of Northumberland, Surgeon, the sum of twenty pounds to remunerate him for professional services in vaccinating Indians and poor persons, under an order of the Government in the year one thousand eight hundred and forty eight.
- R. Smith, ferrriages.** To Robert Smith the sum of ten pounds for ferrying Her Majesty's Mails across the Big Nipisiquit River, in the County of Gloucester, for the past year.
- French School Books.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred pounds for the purpose of procuring a sufficient number of the French Translation of the Parish School Books, for the benefit of the French inhabitants of the different Counties.
- E. Bryant, relief.** To Esther Bryant, of Saint John, the Widow of an old Soldier of the Revolutionary War, the sum of ten pounds to aid her in her present destitute circumstances.
- J. Hogg, reporting.** To James Hogg the sum of fifty pounds for reporting the Debates of the Legislative Council the present Session.
- Court House, County of York.** To the Justices of the Peace for the County of York the sum of seven hundred and fifty pounds, in aid of assessment, to enable them to erect a County Court House in the City of Fredericton; the amount not to be paid until it be certified to the satisfaction of the Government that a sum not less than seven hundred and fifty pounds has been raised by assessment or loan on the credit of the County, and applied towards the erection of the Building.
- T. Hill and R. Woodrow, reporting and publishing Debates.** To Thomas Hill and Ross Woodrow the sum of one hundred and sixty pounds for reporting and publishing the Debates of this House for the present Session, in pursuance of Contract.
- B. R. Jouett, services.** To Beverly R. Jouett the sum of thirty pounds to remunerate him for services as Local Deputy for the Counties of York and Sunbury, agreeably to a Report of a Select Committee of this House.
- Corporation of Fredericton, to cancel a Bond.** To the Corporation of the City of Fredericton the sum of five hundred pounds to enable them to cancel a Bond to the Crown for that sum loaned from the Province for the relief of the sufferers by the great fire in November one thousand eight hundred and fifty.
- J. Burns and J. Wilson, reimbursement.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and fifty four pounds seventeen shillings and nine pence to remunerate John Burns and James Wilson Junior, of the County of Charlotte, or their assigns, for damages sustained by them in consequence of the same land being twice granted.
- J. M'Phelim, reimbursement.** To James M'Phelim, of Buctouche, in the County of Kent, the sum of twenty five pounds to reimburse him for loss and expenses occurred in consequence of lumber cut on his timber licence in one thousand eight hundred and forty five by William Scovil, Esquire, the same having been seized and given up to Mr. Scovil on his paying the sum of forty eight pounds into the Revenue as stumpage.
- Hon. E. B. Chandler, Delegation expenses.** To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and twenty pounds, to pay off the balance due the Honorable E. B. Chandler, for his delegation to England on Rail Road matters during the year one thousand eight hundred and fifty two, in addition to the sum of two hundred and fifty pounds sterling already advanced.
- Journals of Legislative Council and House of Assembly.** To John Simpson, Esquire, Printer, the sum of five hundred and five pounds in full for printing the daily and revised Journals of the Legislative Council and House of Assembly the present Session; the said grant to include payment for the revised Journals of both Houses to be furnished during the recess in the usual manner.

To William Grieves the sum of twenty five pounds to remunerate him for loss sustained by having his boat burnt while engaged in the transmission of Her Majesty's Mails. W. Grieves, reimbursement.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two hundred and fifty pounds to reimburse that sum advanced by the Government in representing New Brunswick at the approaching Industrial Exhibitions in Dublin and New York. Representation at the Industrial Exhibitions in Dublin and New York.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding one thousand pounds towards bearing the expenses of the Law Commission. Law Commission.

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

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred pounds towards building a Bridge over the Big Nepisiquit River in the County of Gloucester, on the line of the Great Road, the same not to be drawn from the Treasury until a plan, specification and estimate of said Bridge be submitted to His Excellency the Lieutenant Governor for the approval of the Government, and it be also clearly shown that the said contemplated Bridge shall not cost a sum exceeding one thousand five hundred pounds. Bridge over the Big Nepisiquit.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being the sum of fifty five pounds twelve shillings and two pence to enable the Province Treasurer to cancel a Bond given at Saint John for Duties on two Engines of a superior description recently there imported. Return of Duty on Fire Engines.

To Valentine B. Hutchinson, William D. French and N. C. Frink, Clerks in the Post Office at Saint John, severally the following sums, to the two former thirty pounds each, and to the latter twenty five pounds in further compensation for their services as such Clerks during the past year. Clerks in Saint John Post Office.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding twenty five pounds to be applied toward extending the Mail route to Joseph Wallace's on the Shepody Road. Mail Route to J. Wallace's, on Shepody Road.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and twenty pounds for the purpose of running a Packet for a period of one year between Saint Andrews, West Isles, Campo Bello and Grand Manan. Packet between Saint Andrews, West Isles, &c.

To Commissioners to be appointed by His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to assist in rebuilding the Pomeroy Bridge over the River Magaguadavic, on the old line of the Fredericton road, lately carried away by the freshet. Pomeroy Bridge over the Magaguadavic.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding eight hundred and seventeen pounds nine shillings in addition to the sum of four hundred pounds already advanced by the Government to reimburse the Commissioner of Public Buildings for balance of expenditure last year in repairs of Government House and for preserving the Public Grounds the past year, and for repairs and improvements in the Council Chamber, House of Assembly and Public Offices and for the Grounds around the same; the same not to be paid until the Government are satisfied with the correctness of the accounts. Public Buildings and grounds.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and twenty pounds fifteen shillings and seven pence to be placed to the credit of the Indian Fund in the hands of Reimbursement to the Indian Fund.

of the Provincial Treasurer, in lieu of moneys drawn from the said Fund by order of His Excellency the Lieutenant Governor for the purchase of land and improving the Indian Reserve in the Counties of York and Carleton.

W. B. Phair,
compensation.

To William B. Phair, Assistant Postmaster at Fredericton, the sum of thirty pounds in further compensation for his services as such during the past year, agreeably to the Report of the Committee.

G. S. Cowper,
compensation.

To George P. Cowper, Postmaster at Dalhousie, the sum of ten pounds to remunerate him for additional services performed during the past year.

D. Rose, com-
pensation.

To David Rose, Postmaster at Saint Stephen, in the County of Charlotte, the sum of two pounds ten shillings to remunerate him for extra services performed during the past year.

P. Morrison and
G. Loggie,
reimbursement.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty one pounds eleven shillings to reimburse Peter Morrison and George Loggie amount of rent on Fishing Stations paid by them beyond the upset price, provided the Crown Officers are of opinion that the Leases of the said Stations should have been given to them at private sale, and not subjected to competition.

J. S. Morse,
Fisheries.

To James S. Morse, one of the Wardens of the Fisheries in the County of Restigouche, the sum of ten pounds thirteen shillings, being expenses incurred by him in that capacity the past year.

A. Cook, Fisheries.

To Alexander Cook, one of the Fishwardens in the County of Restigouche, the sum of ten pounds thirteen shillings, being expenses incurred by him in that capacity the past year.

J. Alexander,
Fisheries.

To John Alexander, one of the Fishwardens in the County of Charlotte, the sum of forty pounds for his services for the year one thousand eight hundred and fifty one, and the further sum of fifteen pounds for expenses incurred in that capacity during the past year.

J. Brown,
Fisheries.

To James Brown, one of the Fishwardens in the County of Charlotte, the sum of forty pounds for his services for the year one thousand eight hundred and fifty one, and the further sum of fifteen pounds for expenses incurred in that capacity during the past year.

D. M'Laughlin,
Fisheries.

To Daniel M'Laughlin the sum of thirty pounds for his valuable services as Overseer of the Fisheries at the Island of Grand Manan, and for his services in one thousand eight hundred and fifty one and in one thousand eight hundred and fifty two in aiding Captain Kynaston, R. N. in protecting the Fisheries of the Province against foreign aggression.

Hon. L. A. Wilmot,
taxed costs.

To the Honorable L. A. Wilmot, late Attorney General of the Province, the sum of sixty pounds seven shillings and nine pence, amount due him for taxed Costs on sundry prosecutions under the Revenue Laws, where the same could not be recovered from the parties.

Hon. J. A. Street,
taxed costs.

To the Honorable J. A. Street, Attorney General, the sum of eighty three pounds four shillings and eleven pence to pay taxed costs, and to reimburse money paid by him in sundry suits and prosecutions relating to the Revenues of the Province, which could not be recovered from the parties, agreeably to the Report of the Committee on Public Accounts.

S. M'Mahon,
expenses.

To Silas M'Mahon the sum of fifty pounds towards remunerating him for expenses incurred in maintaining his right as owner of the soil against William J. Berton, who claimed the right of entry thereon for the purpose of carrying on mining operations as a licensee of the Crown.

Appraisers at
Saint John.

To the three Appraisers of Saint John, the sum of fifty pounds each, for their services for the past two years.

To

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

To the Clerk of the House of Assembly the sum of two thousand nine hundred and thirty seven pounds three shillings and six pence for the Contingent Expenses of the present Session. Legislative Contingencies.

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

CAP. XXV.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province. Passed 3rd May 1853.

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

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

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

One thousand six hundred pounds from Saint John to Nova Scotia Line: eight hundred pounds to be expended from Hayward's Mills to the Nova Scotia Line; fifteen pounds of which to be expended on the Aboideau over Downing Creek, Charters' Marsh; and such sum as the Supervisor may find necessary to be paid the Commissioner of Sewers in part towards keeping the Aboideau over the AuLac in repair; and such part of the said Grant to be expended on the Old Tantamar Road as may be found necessary to keep the same in repair: the remaining eight hundred pounds from Saint John to Hayward's Mills; of which fifty pounds on the Old Westmorland Road in the County of Saint John, and around Frog Pond Hill; and a further sum of fifty pounds on the Old Westmorland Road in King's County. Saint John to Nova Scotia Line.

Six hundred pounds from Fredericton to Saint John, via Nerepis. Fredericton to Saint John.

Six hundred pounds from Saint John to Saint Andrews. Saint John to Saint Andrews.

Fifty pounds from Nerepis to Gagetown. Nerepis to Gagetown.

Seventy pounds from Dorchester to Shediac. Dorchester to Shediac.

One hundred pounds from Shediac to Petitcodiac. Shediac to Petitcodiac.

Seven hundred and fifty pounds from Richibucto to Chatham. Richibucto to Chatham.

Five hundred pounds from Newcastle to Bathurst, to be expended as follows:— Newcastle to Bathurst.
From Dixon's Ferry to Bartibog Bridge on the new line of Road, three hundred and fifty pounds; from Bartibog to Tabusintac Bridge fifty pounds; and the remaining sum of one hundred pounds to be expended from Tabusintac Bridge to Bathurst.

Bathurst to
Miramichi, via
Pokemouche.

Four hundred pounds from Bathurst to Miramichi via Pokemouche, to be expended as follows:—The sum of one hundred and fifty pounds on that part of said Road from Pokemouche River to Miramichi; and the remaining sum of two hundred and fifty pounds from Pokemouche River to Bathurst.

Bathurst to
Belledune.
Belledune to
Metis Road.
Fredericton to
Woodstock.
Woodstock to
Arestook.
Arestook to Grand
Falls.
Fredericton to
Finger Board.
Bellisle to
Scribner's.
Fredericton to
Newcastle.

One hundred pounds from Bathurst to Belledune.
Five hundred and fifty pounds from Belledune to Metis Road.
Nine hundred pounds from Fredericton to Woodstock.
Five hundred pounds from Woodstock to Arestook.
Fifty pounds from Arestook to Grand Falls.
Two hundred and fifty pounds from Fredericton to Finger Board.
Fifty pounds from Bellisle to Scribner's.

Nine hundred pounds from Fredericton to Newcastle; out of which forty pounds to be paid to John Guiou balance due him on account of the Nashwaak Bridge; fifteen pounds to John Wilson for ferrying the Mails across the North West Miramichi the past year.

Fredericton to
Saint Andrews.

Four hundred pounds from Fredericton to Saint Andrews; two hundred pounds of which to be expended between Fredericton and the County Line.

Salisbury to
Harvey.

Five hundred pounds from Salisbury to Harvey; three hundred pounds of which between Salisbury and the Court House, twenty pounds of which to be paid William Bennett for a Bridge erected by him on the said Road; the remainder, two hundred pounds, from the Court House to Isaac Derry's.

Shediac to
Richibucto.

Seven hundred and fifty pounds from Shediac to Richibucto.

Waweig to
Saint Stephen.

Two hundred pounds from Waweig to Saint Stephen, including Bridge across Porter's Mill Stream.

Woodstock to
Houlton.
Oromocto to
Gagetown.
Oak Bay to
Eel River.

Sixty pounds from Woodstock to Houlton.

Fifty pounds from Oromocto to Gagetown.

Four hundred pounds from Oak Bay to Eel River; two hundred pounds of which to be expended south of Little Digdeguash Bridge.

Nine hundred pounds from Barker's Landing to Richibucto.

Barker's Landing
to Richibucto.
Newcastle to
Pitfield's.

Seventy five pounds from Newcastle to Pitfield's; forty five pounds of which to be expended from Pitfield's to Queen's County Line; and the balance of thirty pounds from Queen's County Line to Newcastle, and twenty five pounds of which to be expended between Salmon River and Newcastle.

Grand Falls to
Canada Line.

Three hundred and fifty pounds from Grand Falls to Canada Line; six pounds six shillings and one penny of which to be paid Estate of Michael Tighe, late Supervisor, balance due him; and fourteen pounds ten shillings to be paid Estate of James Kelly, balance due on Contract; and fourteen pounds thirteen shillings and six pence to be paid John Hartt, balance due on Contract.

Saint John to
Quaco.

Two hundred pounds from Saint John to Quaco.

Hampton to
Bellisle.

Twenty five pounds from Hampton to Bellisle.

Cole's Island to
Cape Tormentine.
Grand Falls to
Am. Boundary.
Albert to St. John,
via Hammond
River.

One hundred and fifty pounds from Cole's Island to Cape Tormentine.

Twenty five pounds from Lower Landing, Grand Falls, to American Boundary.

Five hundred pounds from Albert to Saint John via Hammond River; one hundred

hundred and twenty pounds of which to be expended from Crooked Creek, in Albert, to King's County Line; three hundred and forty pounds from said line to Saint John County Line; and forty pounds from the last mentioned line to the Quaco Road.

Two hundred pounds from Isaac Derry's to Point Wolf, to be appropriated as recommended by the Committee of Roads, and subject to all the restrictions therein contained.

Derry's to
Point Wolf

Seventy five pounds from Dead Water Brook to Saint Stephen.

Dead Water Brook
to Saint Stephen.

One hundred and twenty five pounds from Roix's to Oak Bay; twenty five pounds of which to remunerate parties for losses sustained in consequence of the said Road passing through their lands.

Roix's to Oak Bay.

One hundred pounds from Tisdale's Farm to Loch Lomond.

Tisdale's Farm to
Loch Lomond.

Two hundred pounds from Tilley's, Sheffield, past Pendleton's Mills, to Petiscodiac.

Tilley's, Sheffield,
to Petiscodiac.

One hundred pounds from Baptist Meeting House, Upham, to Church, Sussex Vale.

Baptist Meeting,
Upham, to Church,
Sussex Vale.

One hundred pounds from Lower Trout Brook Bridge to Town of Magaguadavic; twenty pounds of which to be expended from the Flume Ridge towards the above named Brook.

Lower Trout Brook
to Magaguadavic.

Two hundred and twenty six pounds to pay the balance due for repairing Bathurst Bridge.

Bathurst Bridge.

Seven hundred and eight pounds for erecting a Bridge over Bartibog River, Northumberland.

Bridge over
Bartibog River

Six hundred pounds to complete a Bridge at Maduxnikik, Woodstock, upon the terms expressed in the recommendation of the Road Committee in their Report presented to the House on the nineteenth day of April one thousand eight hundred and fifty three.

Bridge at
Maduxnikik.

Forty pounds from Pickard's Mills to the American Boundary.

Pickard's Mills to
Am. Boundary.

Two hundred and fifty pounds from Edmundston to Saint Francis.

Edmundston to
Saint Francis.

One hundred pounds from Buttermilk Creek to the American Boundary.

Buttermilk Creek
to Am. Boundary.

Two hundred and eighty pounds to pay a balance due for erecting a Bridge over the Blind Thoroughfare, Sunbury, on the Great Road of communication.

Bridge over Blind
Thoroughfare,
Sunbury.

One thousand pounds towards erecting a Bridge over the Grand Falls, County of Victoria; not to be expended until satisfactory estimates of the probable cost and proper plans be first submitted to the Government by a competent person to be appointed for that purpose; the whole cost not to exceed two thousand pounds.

Bridge over
Grand Falls.

One hundred and fifty pounds for the Roads leading through the Lands of the Nova Scotia and New Brunswick Land Company.

Nova Scotia & New
Brunswick Land
Company's Lands.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five thousand and forty four pounds, being for Special Grants for the Road Service made at the present Session; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of April in this present year of our Lord one thousand eight hundred and fifty three, and concurred in by the Legislative Council.

Special Grants.

To His Excellency the Lieutenant Governor or Administrator of the Government

York County
Bye Roads.

ment

ment for the time being, the sum of one thousand three hundred and fifty pounds for the several Bye Roads in the County of York; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of April in this present year of our Lord one thousand eight hundred and fifty three, and concurred in by the Legislative Council.

Queen's County
Bye Roads.

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

Gloucester County
Bye Roads.

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

Charlotte County
Bye Roads.

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

Saint John County
Bye Roads.

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

Sunbury County
Bye Roads.

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

Albert County
Bye Roads.

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

Carleton County
Bye Roads.

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

Victoria County
Bye Roads.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seven hundred and twelve pounds for the several

several Bye Roads in the County of Victoria; to be applied and expended agreeably to a Resolution of the House of Assembly passed on the twenty seventh day of April in this present year of our Lord one thousand eight hundred and fifty three, and concurred in by the Legislative Council.

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

Northumberland
County Bye Roads

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

Restigouche
County Bye Roads.

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

Kent County
Bye Roads.

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

King's County
Bye Roads.

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

Westmorland
County Bye Roads.

2. The said several and respective sums of money, and every part thereof, shall be expended under the direction of such Supervisors and Commissioners as His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, may be pleased to appoint; and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the several Roads and Bridges, or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided; and every Commissioner so to be appointed, shall as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases, such Commissioners respectively are hereby required to put a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the

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

Duty of Commissioners in expending the money.

work is to be done, which notice shall specify and describe the work to be performed, and also the place, day and hour, when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written Contracts for the faithful performance of the work, in time and manner set forth in such Contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of said Commissioners to agree with fit and proper persons to perform the same by 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 payments, and render an account thereof in duplicate, upon oath, (which oath any one of the Justices of the Peace in the several Counties is hereby authorised to administer), one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the Office of the Clerk of the Peace in the respective Counties for public information.

Accounts to be rendered in duplicate.

Money to be paid by the Treasurer by Warrant.

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

Compensation of Commissioners.

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

Money to be expended on or before the 1st of October.

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

No money to be expended on alterations not recorded.

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

Commissioners to enter into Bonds for due performance of duties.

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

CAP. XXVI.

An Act to repeal a portion of the Law relating to the collection and protection of the Revenue of this Province.

Passed 3rd May 1853.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the twentieth section of an Act made and passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Collection and Protection of the Revenue of this province*, be and the same is hereby repealed.

Act 15 V. c. 28, s. 20, repealed.

CAP. XXVII.

An Act relating to the issue of Bank Notes within this Province.

Passed 3rd May 1853.

‘WHEREAS it is just and reasonable that the several Banks in this Province should be put upon a like footing in respect of the right to issue Bank Notes;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That notwithstanding any thing to the contrary contained in any Charter or Law now in force in this Province, it shall be lawful, from and after the first day of September next, for the several Banking Corporations legally incorporated within this Province, to issue Notes of the several amounts specified in the first and second sections of an Act made and passed in the first year of the Reign of Queen Victoria, intituled *An Act more effectually to prevent the abuse of Banking privileges*.

Preamble.

Incorporated Banks authorised to issue Notes of the denominations specified in 1 V. c. 18, s. 1 & 2.

CAP. XXVIII.

An Act relating to the escheating of Mining Licences or Leases, and also of Mill Reserves, and recovery of Crown Debts.

Passed 3rd May 1853.

‘WHEREAS, where the conditions of Mining Licences or Leases, or Mill Reserves, have not been complied with, and the same are in consequence liable to forfeiture under the existing law, to effect the Escheat it is frequently necessary to proceed by *Scire Facias*; it is therefore desirable to provide some more easy and less expensive mode of effecting this object;

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

Preamble.

1. From and after the passing of this Act, any Mining Licence or Lease, or Mill Reserve, may be escheated in manner following, that is to say:—Upon its being reported by the Crown Law Officers to His Excellency the Lieutenant Governor in Council, that the conditions of such Mining Licence or Lease, or Mill Reserve, have been broken or not complied with, and that such Lease, Licence, or Mill Reserve, is therefore liable to forfeiture, it shall and may be lawful for His Excellency the Lieutenant Governor in Council to direct the Attorney General, or in his absence the Solicitor General, to give notice to the Lessee, Licencee or Reserver, of the grounds of the alleged forfeiture, with notice thereunder that unless such Lessee, Licencee or Reserver shall, within a period to be named in such notice, which shall not be less than thirty days after service of such notice, make it appear to the satisfaction of the Lieutenant Governor in Council that he has not been guilty of the breaches of the conditions or grounds of forfeiture charged in such notice, the Lieutenant Governor in Council is hereby authorised and empowered in his discretion to escheat and annul such Lease, Licence

Proceedings for escheat of any Mining Licence or Lease, or Mill Reserve. Notice of ground of forfeiture to be served.

Licence, or Mill Reserve, upon such equitable conditions as His Excellency in Council may deem right, and to cause a record thereof by Order in Council to be made in the Office of the Provincial Secretary under the Great Seal, which record, or a certified copy thereof, under the hand of the Provincial Secretary, shall be good and legal evidence of such escheat in all Courts of Law or Equity, any law, usage or custom to the contrary notwithstanding.

Licencee, &c., may require proceedings to be by *scire facias*.

2. Provided always, that in any case where the Licencee, Lessee or Reservee, as the case may be, shall in person or by Attorney appear on or before the day fixed in such notice, and require the usual and common law mode of escheating by *scire facias* to be pursued, in such case it shall and may be lawful for the Lieutenant Governor in Council, and he is hereby required to direct and allow such proceedings to be adopted, upon the party or parties proceeded against entering into a bond with two sufficient sureties in the penal sum of fifty pounds, conditioned for the payment of all expenses of the proceedings of such escheat, in case such should be effected.

Crown debtors for not exceeding twenty pounds may be proceeded against under Act 12 V. c. 40.

3. 'Whereas it is necessary that some more simple and less expensive mode should be provided for the recovery of Crown Bonds and other debts due to the Crown, whether on specialties or simple contract, where the amount to be recovered shall not exceed twenty pounds;' From and after the passing of this Act it shall and may be lawful for Her Majesty's Attorney General or other prosecuting officer, to proceed in the name of Her Majesty against the Crown debtor in all cases where the demand does not exceed twenty pounds, under the Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the several Acts of Assembly relating to Summary Actions*, which Act is hereby extended and made applicable to the Exchequer or Crown side of the Supreme Court, for the recovery of all Crown debts where the amount shall not exceed twenty pounds, so far as the same is applicable, in all respects as if the said recited Act had originally extended to the Exchequer side of the said Court, and been made applicable to the recovery of such Crown debts; and the costs shall be the same in all respects, and recoverable in like manner, any law, usage or custom to the contrary notwithstanding.

No *scire facias* to be necessary for the establishment of Crown debts:

Lien on lands.

4. No *scire facias* shall be necessary for the establishment of Crown debts, under the provisions of this Act; and the lands of the debtor shall be held bound in cases of specialties from the date thereof, which date shall be set forth in the proceedings and judgment; and in cases of simple contract debts the lands of the debtor shall be held bound from the date of the judgment being signed.

Execution to issue against the debtor's personal and real estate.

5. Execution against the goods and chattels, lands and tenements of the debtor, shall issue for the recovery of the debt for which judgment is given at the suit of Her Majesty; and it shall be the duty of the Sheriff or other officer levying such execution, for want of goods and chattels, to levy upon the lands of the debtor bound by the specialties or judgment, whether in the hands of such debtor, his assignee, or otherwise.

Service of process or other writ against resident and non-resident debtors.

6. Service of process, or other writ issued under the provisions of this Act, shall be made in like manner as against other debtors, and according to the rules and practice of the Supreme Court in other cases; and in case the debtor or debtors proceeded against should be out of the Province, and have or have not a known place of abode therein, service shall be effected as is provided by an Act passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate the service of Writs of Scire Facias*.

2 W. 4, c. 20.

CAP. XXIX.

An Act further to continue an Act to authorise the commutation of Debts due the Crown by Settlers in certain cases for work on the Public Roads.

Passed 3rd May 1853.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to authorise the commutation of Debts due the Crown by Settlers in certain cases for work on the Public Roads*, be and the same is hereby further continued and declared to be in force until the first day of May, which will be in the year of our Lord one thousand eight hundred and fifty eight.

Act 12 V. c. 19,
continued.

CAP. XXX.

An Act regulating Weights and Measures.

Passed 3rd May 1853.

Section.

1. Uniformity in Weights and Measures to be secured.
2. All articles to be sold by avoirdupois weight, except certain articles which are to be sold by troy weight.
3. The English lineal yard to be the unit of length.
4. The measure of liquids to be the old English wine gallon.
5. The measure of dry capacity to be the Winchester bushel.
6. Complete sets of weights and measures to be procured by Lieutenant Governor.
7. Such weights and measures to be deposited in the Office of the Provincial Secretary.
8. Clerks of the Peace to procure duplicates.
9. Clerks of Markets and Town Clerks to keep sets of weights and measures, duly proved and stamped, as standards.

Section.

10. Those officers may enter places of business, and ships and vessels, to examine.
11. Weights of soft metals disallowed.
12. Imperfect weights and measures, and weighing instruments, to be seized; penalties declared.
13. Officers appointed by Common Council of Saint John to have same powers as Market Clerks and Town Clerks.
14. Use of the heaped measure abolished.
15. The standard bushel of grains, seeds and roots, to be of certain weights respectively.
16. Coals to be sold by the ton of two thousand two hundred and forty pounds avoirdupois.
17. Recovery of penalties.
18. Repeal of former Acts and parts of Acts.
19. Time when this Act shall come into operation.

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

1. To secure uniformity in Weights and Measures, the following shall hereafter be the Weights and Measures to be used in this Province.

2. All articles sold by weight shall be sold by the English avoirdupois weight, with the following exceptions:—gold, silver, platina, diamonds and other precious stones, and drugs or compounds thereof when sold under a medical formula or prescription, which shall be sold by English troy weight.

3. The English lineal yard shall be the unit of length, and all lineal and superficial measures founded thereon shall be regulated thereby.

4. The measure for all liquids shall be the old English wine gallon of two hundred and thirty one cubic inches.

5. The measure of dry capacity shall be the measure formerly used in England and known as the Winchester bushel, containing two thousand one hundred and fifty cubic inches and forty two hundredths of a cubic inch.

6. A complete set of the foregoing weights and measures, with their necessary subdivisions, in suitable metals, shall be procured by His Excellency the Lieutenant Governor at the public expense, and be properly verified; thereafter they shall constitute the authorised public standards by which all weights and measures shall be tried, proved and stamped, as provided by this Act.

7. Such authorised public standard weights and measures so proved and verified, shall be deposited in the Office of the Provincial Secretary at Fredericton, and the Provincial Secretary shall cause duplicates thereof to be made sufficient for the use of each County in the Province.

8. The Clerk of the Peace for each County shall procure from the Provincial Secretary, at the expense of his County, a complete set of the duplicate weights and measures aforesaid, which shall be tried and proved by the standards by some competent person acting under the authority of His Excellency the Lieutenant Governor

Uniformity in
Weights and
Measures.

All articles to be
sold by avoirdupois
weight; exceptions.

Unit of length.

Measure of liquids.

Measure of dry
capacity.

Complete sets of
weights and
measures to be
procured;

To be deposited in
the office of the Pro-
vincial Secretary.

Clerks of the
Peace to procure
duplicates.

Governor in Council, and shall be stamped with a stamp to be kept by the Provincial Secretary for that purpose.

Clerks of the Markets and Town Clerks to keep sets of weights and measures.

9. The Clerks of the Market, and in places where no such officers are appointed the Town Clerk, shall keep a complete set of weights and measures, which after being duly proved, shall be marked or stamped by the Clerk of the Peace with the figure of a Crown and the letters N. B. and shall then be used as standards.

Those Officers may enter places of business, and ships and vessels, to examine.

10. The Clerk of the Market or the Town Clerk may enter all stores, shops and places of business, and all ships or vessels within their respective districts, in the day time, and examine every weighing apparatus and all weights and measures therein.

Weights of soft metals disallowed.

11. Weights made of lead, pewter, or other soft metal, or on which the same appears externally, shall not be stamped or used.

Imperfect weights and measures, and weighing instruments, to be seized.

12. All imperfect weights and measures, and every imperfect instrument or machine for weighing, shall be seized by the Clerk of the Market or Town Clerk as forfeited; and the person in whose possession the same may be found shall forfeit a sum not exceeding ten pounds; and any person refusing admittance to either of those officers, or obstructing them in making the examination hereby directed, shall forfeit a like penalty.

Corporation Officers of St. John to have same powers as Market Clerks and Town Clerks.

13. In the City of Saint John, the officer appointed for that purpose by the Common Council, shall have the like powers and authority with respect to weights and measures as are hereby given to Clerks of the Market and Town Clerks.

Use of the heaped measure abolished.

14. The use of the heaped Measure is hereby abolished, and all sales or contracts for sales by the heaped measure, made after this Act comes into operation, shall be null and void.

The standard bushel of grains, seeds and roots to be of certain weights.

15. The standard bushel of Wheat, Indian Corn, Barley, Buckwheat, Rye, Oats, and all other grains; Potatoes, and all other edible roots, shall respectively be taken to be of the following weight in pounds avoirdupois:—

- Of clean Wheat, or Indian Corn, sixty pounds;
- Of clean Barley, or Buckwheat, fifty pounds;
- Of clean Rye grain, Summer or Winter, fifty six pounds;
- Of clean Oats, thirty six pounds;
- Of clean Timothy Seed, forty pounds;
- Of all other grains, fifty six pounds;
- Of Potatoes and all other edible Roots, fifty six pounds.

Coals to be sold by weight.

16. Coals shall be sold by weight and not by measure, by the ton of two thousand two hundred and forty pounds avoirdupois, and its usual subdivisions.

Recovery of penalties.

17. Penalties imposed by this Act may be recovered by summary proceedings before any two Justices of the Peace, and when recovered shall be equally divided, one half to the party prosecuting for the same, and the other half to the Commissioners of the Poor for the County, or the Overseers of the Poor for the Parish where the offence was committed.

Repeal of Acts and parts of Acts.

18. After this Act comes into operation, an Act made and passed in the twenty sixth year of the Reign of His late Majesty George the Third, intituled *An Act for regulating Weights and Measures*, and all other Acts and parts of Acts repugnant to this Act, shall be and the same are hereby repealed, save and except so far as relates to any contract now in existence.

Time when this Act shall come into operation.

19. This Act shall not come into operation until the first day of October in the year of our Lord one thousand eight hundred and fifty three; and all contracts or bargains for any work to be done, or any thing to be sold or delivered thereafter, by weight or measure, shall be deemed and taken to be made according to the weights and measures hereby declared and authorised, and by none other.

CAP.

CAP. XXXI.

An Act in amendment of the Law relating to Inland Posts.

Passed 3rd May 1853.

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

1. The third section of an Act passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act in addition to the Law relating to Inland Posts*, respecting the transmission of printed Books and other publications between the United Kingdom and this Province, together with the Schedule therein referred to, is hereby repealed. 14 V. c. 1, s. 3, repealed.

2. It shall be lawful for His Excellency the Lieutenant Governor in Council, by Order in Council duly made and published in the Royal Gazette, to carry out any arrangements from time to time made for facilitating the transmission of Books and Pamphlets, or for reducing the rate of Postage on Letters between Great Britain and the Colonies, which may be sanctioned by Her Majesty's Postmaster General, or by the Lords Commissioners of Her Majesty's Treasury, and may regulate the transmission by Post from one part of the Colony to the other, of all such Books or Pamphlets, on such terms and in such manner as to His Excellency in Council shall seem meet; and every such Order in Council shall, when published by authority in the Royal Gazette, have the same force and effect as if in this Act contained. Governor in Council authorised to effectuate an arrangement for transmission of Books and Pamphlets, and reduction of Postage.

CAP. XXXII.

An Act to regulate the granting of Patents for useful inventions.

Passed 3rd May 1853.

Section.

1. Letters Patent may be granted by Lieutenant Governor.
2. Mode of applying for Patent.
3. Specifications, drawings, and models, to be lodged with Provincial Secretary.
4. Patents may be granted for articles patented elsewhere.
5. Executor or Administrator may take out Patent for deceased inventor.
6. Assignee of inventor in this Province may take out Patent.
7. Assignee of Foreign Patentee may also take out Patent.
8. Patents may be assigned wholly, or in part.
9. Damages for infringement of Patent right.
10. Copies of documents and drawings, certified by Provincial Secretary, to be received in evidence.
11. Copies of Patents, documents, and drawings, to be furnished by Provincial Secretary to any person applying.
12. If Attorney General is of opinion that application interferes with previous application or Patent, appeal may be made to Lieutenant Governor in Council.
13. Board of Examiners to be appointed to hear appeal.
14. Powers and duties of Board of Examiners.
15. Attorney General may apply for Board of Examiners.
16. Appellant may apply for Board of Examiners, or appeal to Judge of Supreme Court.
17. Mode of proceeding by and before the Judge.
18. Caveat may be filed for incomplete invention; proceedings in case of another application for Patent.

Section.

19. Each Patentee confined to his own invention or improvement.
20. Provision in case Patentee, without fraud, claims too much.
21. Patentee in such case may disclaim excess.
22. Defective Patent may be surrendered and new Patent may issue.
23. Original Patentee may secure improvement made by him.
24. Patents may issue for new and original designs in any art or manufacture.
25. English Patents not to be in force in this Province, until copies of drawings and specifications, and duplicate of model, shall be lodged.
26. The term of a Patent may be extended.
27. Proceedings in order to obtain such extension.
28. Penalties for falsely marking patented articles, or vending unpatented articles as being Patent.
29. Date of Patent to be affixed to each patented article.
30. Special pleas prohibited; special matter may be given in evidence under general issue; provision as to costs.
31. Quakers may affirm; before whom oath or affirmation may be taken.
32. Fees established as in Schedule annexed.
33. Letters Patent null and void if manufacture not established, or article introduced within three years.
34. Interpretation clause.
35. Repealing clause.

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

1. The Lieutenant Governor may direct Letters Patent under the Great Seal of this Province to be issued to any person applying for the same, granting to such person and his legal representatives, for a term not exceeding ten years, the full and exclusive right of making, using and vending any new invention or discovery, under the conditions and regulations, and conformably to the provisions of this Act.

2. The applicant for a patent shall state in his Petition to the Lieutenant Governor that he has invented or discovered a new and useful art, machine, manufacture, Letters Patent may be granted by Lieutenant Governor.

Mode of applying for patent.

manufacture, or composition of matter; or a new and useful improvement in some art, machine, manufacture, or composition of matter, not known and used by others before his discovery or invention thereof, and at the time of the application not in public or common use in this Province; to which Petition shall be annexed an affidavit sworn to by the applicant, setting forth that the allegations in the same are just and true to the best of his knowledge and belief.

Specifications, drawings, and models, to be lodged with Provincial Secretary.

3. With his Petition and affidavit, the applicant shall deliver into the office of the Provincial Secretary, a written description of his invention, signed by him, and attested by two witnesses, setting forth the manner of making or compounding, and mode of using the same, in such full, clear and exact terms, as to distinguish it from all other things before known, and enable any skilled person to make, compound and use the invention; the description shall also set forth the principle of the invention, and the several modes by which it is contemplated to apply that principle, or the characteristics which distinguish it from other inventions; and it shall be accompanied by drawings and written references, and by a model, where the nature of the case admits of the same, or with specimens of the ingredients and of the composition of matter, sufficient in quantity for the purpose of experiment, when the invention is a composition of matter.

Patent may be granted for articles patented elsewhere.

4. No applicant shall be deprived of his right to a patent in this Province for his invention, by reason of his having previously taken out Letters Patent therefor in any other country, provided that such invention shall not have been introduced into public and common use in this Province prior to the application for a patent therein, and that the patent granted in this Province shall not continue in force after the expiration of the patent granted elsewhere.

Executor or Administrator may take out patent for deceased inventor.

5. If any person entitled to a patent in this Province for a new invention or discovery, shall die before the same is granted to him, the right to apply for and obtain such patent shall devolve on his executor or administrator, and shall be granted in as full and ample a manner, and under the same conditions and restrictions as if issued to the inventor in his life time; and when a Petition for a patent is made by an executor or administrator, the deposition attached thereto shall be varied to suit the circumstances of the case.

Assignee of inventor in this Province may take out patent.

6. Letters Patent may issue to the assignee of any person entitled to a patent for any invention or discovery made in this Province, but for which no patent has previously issued, the assignment duly proved shall accompany the application and be filed therewith, together with an affidavit of the assignee that the same was made for good consideration, and also an affidavit of the assignor that the invention or discovery was made by him as required by the second section of this Act.

Assignee of foreign patentee may also take out patent.

7. Letters Patent may also issue to the assignee of any person who may have taken out Letters Patent for his invention or discovery in any other country, but not for any discovery or invention made abroad for which no Letters Patent have been there obtained, provided that the invention or discovery so assigned shall not have been introduced into public and common use in this Province prior to the application for a patent, and that the assignee of such foreign patent shall file with his application the assignment duly proved under which he claims a patent in this Province, and an affidavit setting forth the date of the patent abroad, that the article thereby patented has not been in public and common use in this Province, and that he is the assignee for a good consideration.

Patents may be assigned wholly, or in part.

8. Every patent granted in this Province shall be assignable either as to the whole interest therein, or any fractional part thereof, by instrument in writing, which assignments, and also every grant or conveyance of the exclusive right, under

under any patent, to make and use, and to grant to others the right to make and use the thing patented in this Province or in any part thereof, shall be recorded in the Office of the Provincial Secretary within three months after the execution thereof, such execution being duly proved by the oath of a subscribing witness; and thereafter every such grantee or assignee shall, in all respects, and to all intents and purposes, stand in the stead or place of the original patentee to the extent or proportion of the interest so granted or assigned.

9. If without the consent in writing of a patentee or of his legal representatives, any person shall make, devise, use or sell the thing, invention or discovery, whereof the exclusive right is secured to such patentee, the person so offending shall forfeit and pay to the patentee or his legal representatives a sum equal to three times the actual damage sustained by reason of such offence; which sum shall be recoverable, with costs of suit, by action on the case founded on this Act in the Supreme Court.

Damages for infringement of patent right.

10. Copies of specifications, depositions, assignments, grants, and of all other papers or documents filed in the Provincial Secretary's Office in connection with a patent under the provisions of this Act, certified under the hand of the Secretary of the Province, shall be received as competent evidence in all Courts where any matter or thing concerning such patent shall come in question.

Copies of documents and drawings certified by Provincial Secretary, to be received in evidence.

11. Any person desiring the same shall be entitled to demand and obtain from the Provincial Secretary a copy of any Letters Patent, or of any petition, deposition, drawing, specification or document whatsoever in connection therewith, or on which the same were granted.

Copies of patents, documents and drawing, to be furnished by Provincial Secretary, to any person applying.

12. When an application is made for a patent, and Her Majesty's Attorney General shall decide that it will interfere with any other application then pending, or with any unexpired patent already granted, it shall be the duty of the Provincial Secretary, upon the representation of the Attorney General, to give notice to the several applicants or patentees; and if any of them shall be dissatisfied with the decision of the Attorney General, he may appeal from such decision to the Lieutenant Governor in Council.

If Attorney General is of opinion that application interferes with previous application or patent, appeal may be made to the Lieutenant Governor in Council.

13. On such appeal being made in writing, the Lieutenant Governor in Council shall appoint a Board of Examiners, to consist of three disinterested persons, one of whom at least shall be selected, if practicable and convenient, for his knowledge and skill in the particular art, manufacture or branch of science to which the alleged invention appertains; the Examiners shall be sworn before a Justice of the Peace to the faithful and impartial performance of the duty confided to them; they shall be furnished with a certified copy of the opinion and decision of the Attorney General, stating the particular grounds thereof, and specifying what part of the invention he considers not entitled to be patented; they shall give reasonable notice to the Attorney General, and to the several parties interested, of the time and place of their meeting, and it shall be the duty of the Attorney General to furnish to the Examiners such information as he may possess relative to the matter referred to.

Board of Examiners to be appointed to hear appeal.

14. The Board of Examiners shall have power to examine on oath all parties giving *viva voce* testimony before them, which oath any one of the Examiners may administer, and after examination and consideration, the Examiners or a majority of them, may either reverse or confirm the decision of the Attorney General in whole or in part, and their opinion being certified in writing to the Attorney General, he shall be governed thereby in any further proceedings; provided always, that before a Board of Examiners shall be instituted in any case, the party applying for the same shall pay into the Office of the Provincial Secretary

Powers and duties of Board of Examiners.

tary the sum of twenty five pounds, for the purpose of paying reasonable compensation to the Examiners, and defraying any other expenses connected with the appeal.

Attorney General may apply for Board of Examiners.

15. If the Attorney General from any cause entertains doubts as to the applicants right to a Patent, and desires further evidence, he shall apply to the Lieutenant Governor in Council to appoint a Board of Examiners, and such Board shall thereupon be appointed, and shall possess the same powers and functions as if appointed at the instance of a party appealing, but before such Board shall enter upon its duties, the applicant whose case is to be considered, shall pay into the Provincial Secretary's Office the sum of twenty pounds for the purposes mentioned in the preceding section.

Appellant may apply for Board of Examiners, or appeal to Judge of Supreme Court.

16. In every case of appeal from the decision of the Attorney General, it shall be optional with the appellant either to apply for a Board of Examiners or to appeal to any Judge of the Supreme Court; in case of appeal to a Judge, the appellant shall give notice of his intention to the Attorney General, and at the same time file in the Provincial Secretary's Office the reasons for his appeal, specifically set forth in writing.

Mode of proceeding by and before the Judge.

17. The appellant shall apply to the Judge by petition, and it shall be the duty of the Judge thereupon to hear and determine the appeal in a summary way, upon the evidence produced before the Attorney General, at such early and convenient time as the Judge may appoint, due notice of the time and place of hearing shall be given by the appellant to the Attorney General, who shall notify all parties interested in the appeal in such manner as the Judge shall prescribe; the Attorney General shall lay before the Judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing; after the hearing of such appeal, it shall be the duty of the Judge to return all the papers to the Attorney General, with a certificate of his proceedings and judgment, which shall be recorded in the Provincial Secretary's Office, and the judgment so recorded shall govern the further proceedings of the Attorney General in the case, but no such judgment shall preclude any person interested from the right to contest the same in any Court where it may come in question; provided always, that before making such appeal to a Judge, the appellant shall deposit with the Provincial Secretary the sum of twenty pounds to defray the expenses of the same.

Caveat may be filed for incomplete invention.

18. Any person who shall have made a new and useful discovery or invention, but desires further time to mature the same, may file in the Office of the Provincial Secretary a caveat, setting forth its design or purpose, as also its principle and distinguishing characteristics, and praying that his rights may be protected until his invention is matured; such caveat shall be in force for one year and no longer, and shall be filed in the confidential archives of the Provincial Secretary's Office, and preserved in secrecy; and if application shall be made by any person within one year from the time of filing the caveat, for a patent of any discovery or invention which apparently would interfere with the rights of the party filing the caveat, it shall be the duty of the Provincial Secretary to deposit the description, specification and drawings of the second applicant in the confidential archives of his office, and to give notice of the application, by mail or otherwise, to the person that filed the caveat, who within three months after receiving such notice, if he would avail himself of the benefit of his caveat, shall file his description, specification and drawings; if in the opinion of the Attorney General the specifications filed by the respective parties interfere with each other, the like proceedings shall be had by appeal as hereinbefore prescribed; provided however that the opinion or decision of the Board of Examiners in such case shall not prevent any person

Proceedings in case of another application for patent.

interested

interested from the right to contest the same in any Court where the validity of a patent may come in question.

19. When Letters Patent shall be obtained for any new and useful invention or discovery, and thereafter any person shall discover or invent an improvement thereupon, and shall apply for and obtain a patent under this Act for the exclusive right to such improvement, it shall not be lawful for him to make, use or vend the original invention or discovery, nor for the person who procured the patent for the original invention or discovery to make, use or vend the improvement thereupon; and it is hereby declared and enacted, that simply changing the form or proportions of any machine, article or composition of matter, in any degree, shall not be deemed a discovery or improvement within the meaning of this Act.

Each patentee confined to his own invention, or improvement.

20. If by mistake, accident or inadvertence, and without any wilful default or intent to defraud or mislead the public, a patentee shall in his specification have claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, but of which he was not the original or first inventor, and shall have no just or legal right to claim the same, his patent in such case shall be deemed good and valid for so much of the invention or discovery as shall be actually his own, provided that it is a material and substantial part of the thing patented, and be plainly distinguishable from other parts patented without right; and every such patentee and his legal representatives, whether holding the whole or a particular interest in the patent, may maintain suits at law or in equity for any infringement of such part of the same as is actually the invention or discovery of the patentee, although his specification may embrace more than he has a legal right to claim; but if in such case the plaintiff shall obtain a verdict or judgment, he shall not be entitled to costs, unless before the commencement of the suit he shall have filed in the Office of the Provincial Secretary a disclaimer, attested by one witness or more, of that part of the thing patented which was claimed without right; provided always that no person bringing a suit shall be entitled to the benefits of this section if he shall have unreasonably neglected or delayed to record his disclaimer.

Provision in case patentee, without fraud, claims too much.

21. If through inadvertence, accident or mistake a patentee shall have made his specification too broad by claiming more than that of which he was the original or first inventor, (some material and substantial part of the thing patented being justly and truly his own,) such patentee or his legal representatives, may disclaim the excess; the disclaimer shall be in writing, and shall state the extent of interest in the patent held by the party making the same, it shall be attested by one or more witnesses, and be recorded in the Office of the Provincial Secretary; thereafter such disclaimer shall be taken and considered as part of the original specification, to the extent of the interest possessed by the party making the same, or by those claiming under him, but no such disclaimer shall affect any action or suit pending at the time of its being recorded, except so far as may relate to the question of unreasonable neglect or delay in recording the same.

Patentee in such case may disclaim excess.

22. If any patent shall become inoperative or invalid by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification as his own invention more than he had a right to claim, and the error has arisen from inadvertency, accident or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Lieutenant Governor, upon the surrender of such patent and upon petition therefor, to cause a new patent to be issued to the patentee for the residue of the term mentioned in the first patent, in accordance with the patentee's amended description and specification; in case of his death or the assignment by him of the original patent, or any

Defective patent may be surrendered and new patent may be issued.

fractional

fractional interest therein, the right shall vest in his legal representatives to the extent of their respective interests in such patent; and the patent so re-issued, together with the amended description and specification, shall have the same effect and operation in law as though the same had been originally filed in such amended form before the issuing of the original patent.

Original patentee may secure improvement made by him.

23. If an original patentee shall be desirous of adding a description and specification of an improvement upon his original invention or discovery, made or discovered by him subsequent to the date of his patent, he may upon the like proceedings being had in all respects as in the case of an original application, have the same annexed to his original description and specification; and the Provincial Secretary shall certify upon such annexed description and specification, the time of its being annexed and recorded, and thereafter it shall have the same effect in law as if it had been embraced in the original description and specification, and had been recorded therewith.

Patents may issue for new and original designs in any art or manufacture.

24. Any person in this Province who may have invented or produced any new or original design for a manufacture of whatsoever material, or any new or original design for the printing of woollen, silk, cotton or other fabrics, paper or other material, or any new or original design of art or ornament not previously known or used by others, shall be entitled to a patent granting him the exclusive right and property therein, to make, use, and vend the same for a term not exceeding seven years, upon such proceedings being had thereon in every respect as provided by this Act with reference to other patents.

English patents not to be in force in this Province, until copies of drawings and specifications, and duplicate of models shall be lodged.

25. No patent for any invention or discovery granted in England subsequent to this Act coming into operation, and extending to the Colonies, shall be of force and effect in this Province, until copies of the original specification and drawings filed or duplicate of the models lodged in England, upon which such patent was there obtained, shall be filed or lodged in the Office of the Provincial Secretary, who shall grant a certificate of the lodging or filing of the same.

The term of a patent may be extended.

26. If a patentee shall desire an extension of his patent beyond the term to which it is limited, he shall apply in writing to the Lieutenant Governor in Council, setting forth the grounds of his application, and shall deposit with the Provincial Secretary the sum of twenty pounds to defray expenses; the Provincial Secretary shall thereupon cause to be published in the Royal Gazette, and also in at least one newspaper in every County of the Province in which a newspaper is published, a notice of such application, and of the time and place that the same will be considered, which time shall not be sooner than sixty days after publication of the notice; the Lieutenant Governor in Council shall appoint three fit and proper persons, who shall constitute a Board to hear and decide upon such application, they shall meet at the time and place appointed, and shall hear any person who may appear to shew cause why such extension should not be granted; the patentee shall furnish to the Board a statement in writing, under oath, of the ascertained value of his invention, and of its receipts and expenditures, sufficiently in detail to ascertain the amount of profit or loss from the same.

Proceedings in order to obtain that extension.

27. If upon the hearing it shall appear to the satisfaction of the Board, having due regard to the public interest, that the term of the patent should be extended, by reason of the patentee, without default or neglect on his part, having failed to obtain from the sale of his invention a reasonable remuneration for the time, ingenuity and expense bestowed upon the same, and its introduction into use, they shall certify the same to the Lieutenant Governor, who shall thereupon direct the Provincial Secretary to endorse upon the Letters Patent a certificate that the same has been extended for a further term of seven years from and after the

the expiration of the original term; the certificate of the Board to the Lieutenant Governor, and his order thereupon for an extension of the term of the patent, with a copy of the certificate endorsed on the patent, shall be recorded in the Provincial Secretary's Office, and thereupon the said patent shall have the same legal effect as if the additional term so added had been included in the term originally granted, and the benefit of such extension of term shall extend to all grantees and assignees of the original patentee to the extent of their respective interests in the patent; provided always, that no extension of a patent shall be granted after the expiration of the term for which it was originally granted.

28. If any person shall affix to any thing made, used or sold by him, the name or imitation of, or a fraudulent similarity to the name of any other person who shall have obtained Letters Patent for the sole making or vending of such thing, without consent of the patentee or his legal representatives, or shall affix the words "Patent," "Patentee," or "Letters Patent," or other words of the same meaning or import on any unpatented article for the purpose of deceiving the public, the person so offending shall be liable for each offence to a penalty of twenty five pounds with costs, to be recovered by action in the Supreme Court of this Province; one half of such penalty when recovered to be paid into the Provincial Treasury, and the other half to the party who shall sue for the same.

29. Patentees and their representatives are hereby required to stamp or affix on each patented article offered for sale, or on the vessel or package containing the same, the date of the patent, and every party offending shall for each offence be liable to a penalty of five pounds, to be recovered and applied as provided in the preceding section.

30. In actions brought under this Act no special plea shall be allowed; but every defendant may plead the general issue and give this Act in evidence, and also any special matter of which he shall have given notice in writing at the time of delivering the general issue; and whenever a defendant relies on a previous invention, knowledge or use of the thing patented, he shall state in his notice of special matter to be given in evidence the names and places of residence of those by whom he intends to prove the same; and if a verdict and judgment shall pass for the defendant, the patent under which the plaintiff claims shall thenceforth be void and of no effect; and whenever a plaintiff fails to sustain his action on the ground that in his specification or claim for a patent is embraced more than that of which he is the first inventor, and it shall appear that the defendant had used any part of the invention justly and truly specified and claimed as new, the Court may make such order as to costs as shall be just and equitable, but no action shall be sustained for an offence committed under the provisions of this Act, unless the same shall be commenced within six months next after the knowledge of the offence committed.

31. Quakers may affirm in all cases where an oath is required by this Act; and all oaths or affirmations under this Act, unless otherwise provided, may be taken in this Province before a Judge of the Supreme Court, or a Commissioner for taking affidavits in the same, or in Great Britain or Ireland before the Mayor of a City or Borough, the depositions being certified under the Corporate Seal; or in a Foreign Country before a British Consul or Vice Consul, and certified by his Seal of Office.

32. The fees to be demanded and received under this Act shall be as stated in the Schedule annexed.

33. All Letters Patent granted under this Act shall become utterly null and void, if within three years after the granting thereof the patentee shall not establish

Penalties for falsely marking patented articles, or vending unpatented articles as being patent.

Date of patent to be affixed to each patented article.

Special pleas prohibited; special matter may be given in evidence under general issue; provisions as to costs.

Quakers may affirm. Before whom oath or affirmation may be taken.

Fees established as in Schedule annexed.

Letters Patent null and void, if manufacture not established.

lished, nor article introduced within three years.

Interpretation clause.

4 W. 4, c. 27,

6 V. c. 34,

14 V. c. 35, repealed.

lish in this Province the manufacture of, or in case the materials for manufacturing the same are not here to be had, introduce into this Province the article, improvement or composition for which the same were issued.

34. Throughout this Act, wheresoever words are used importing the singular number or the masculine gender only, yet they may be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males; and wheresoever words are used denoting the plural number, yet they may be understood to apply to one matter as well as more than one, and to one person as well as more than one, unless it be otherwise provided, or there be something in the subject or context repugnant to such construction; and the word "Patent" shall be deemed synonymous with the words "Letters Patent."

35. An Act passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act for granting Patents for useful inventions*; also an Act passed in the sixth year of the Reign of Her present Majesty, intituled *An Act to amend an Act for granting Patents for useful inventions*; also an Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act in further amendment of an Act intituled 'An Act for granting Patents for useful inventions'*; and all other Acts and parts of Acts repugnant to this Act, shall be and the same are hereby repealed, so far as relates to all Patents that shall be granted after the passing of this Act.

SCHEDULE.

TABLE OF FEES.

Table of Fees.

If a British subject, whether original inventor or assignee of an invention in the Province or of any Letters Patent from abroad, in full for obtaining Letters Patent, exclusive of recording assignment,	£5	7	6
If a Foreigner, whether original inventor or assignee,	50	0	0
Fee on entering a Caveat,	5	0	0
Fee to be paid by applicant under the 14th Section of this Act; surplus, if any remaining after paying compensation fees and expenses, to be returned to applicant,	25	0	0
Ditto under 15th Section,	20	0	0
Ditto under 17th Section,	20	0	0
Ditto under 26th Section,	20	0	0
Fee for adding to a Patent specifications of a subsequent improvement,	4	0	0
On surrender of old Patent to be re-issued, for correcting mistake of the Patentee,	4	0	0
On application for a design,	3	0	0
For a disclaimer,	3	0	0
For copies of Patents, or any other paper on file (not including drawings) for each 100 words,	0	2	0
For recording all assignments, powers of Attorney, Licences or other papers, which shall not contain over 300 words,	0	2	0
And for every additional 100 words,	0	1	0
Copies of drawings and models to be matter of agreement.			

CAP. XXXIII.

An Act to amend an Act for establishing a Tender in all payments to be made in this Province, and for consolidating and amending the Laws relating to the Currency therein.

Passed 3rd May 1853.

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

1. The fifth section of an Act passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act for establishing a Tender in all payments to be made in this Province, and for consolidating and amending the Laws relating to the Currency therein*, shall be and the same is hereby repealed. 15 V. c. 85, s. 5, repealed.

2. All the provisions of the said Act, with reference to the gold coins of the United States coined before the first day of March in the year of our Lord one thousand eight hundred and fifty two, shall extend to any gold coins of the United States, of the weight and denomination mentioned in the said Act, coined on or after the said first day of March in the year of our Lord one thousand eight hundred and fifty two, unless such provisions are restrained by Proclamation of Lieutenant Governor, which Proclamation the Lieutenant Governor, by and with the advice of his Executive Council for the time being, is hereby authorised to issue whenever he, by and with the advice aforesaid, shall deem the same necessary. Provisions of 15 V. c. 85, to extend to all gold coins of the United States mentioned in the Act and coined after 1st March 1852, unless restrained by Proclamation.

CAP. XXXIV.

An Act in amendment of the Act relating to the Election of Representatives to serve in the General Assembly, so far as relates to the Polling places in the County of Carleton.

Passed 3rd May 1853.

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

1. That that part of the fifth section of the Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act relating to the Election of Representatives to serve in the General Assembly*, as fixes the different Districts for Polling places in the County of Carleton, be and the same is hereby repealed. 11 V. c. 65, s. 5, in part repealed.

2. That the Sheriff of the said County of Carleton shall hereafter name the place of polling in each Parish in said County, as near the centre, being the most convenient places for that purpose; and that the notice thereof shall contain all the provisions specified in the first section of the said in part recited Act. Polling places in Carleton to be appointed by the Sheriff.

CAP. XXXV.

An Act to establish places for Polling in the Parishes of Glenelg and Hardwicke, in the County of Northumberland.

Passed 3rd May 1853.

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

1. The fifth section of an Act made and passed in the eleventh year of Her present Majesty's Reign, intituled *An Act relating to the Election of Representatives to serve in General Assembly*, and also the first section of an Act made and passed in the thirteenth year of the same Reign, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, so far as the same relate to the establishment of a Polling place in the Parish of Glenelg, in the County of Northumberland, for the purposes of the several Acts aforesaid, be and the same are hereby repealed. 11 V. c. 65, s. 5, 13 V. c. 30, s. 1; in part repealed.

Polling places established for elections of Representatives in General Assembly and County and Parish Officers in Glenelg and Hardwicke.

2. The Polling places in the Parishes of Glenelg and Hardwicke, in the County of Northumberland respectively, for the election of Representatives to serve in General Assembly for the County of Northumberland, and for the election of all officers to be elected under and by virtue of the several Acts, intituled *An Act relating to the Election of Representatives to serve in General Assembly*, and *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*,—

In the Parish of Glenelg, shall be held at or near the residence of John M'Kay, at the Richibucto Road; and

In the Parish of Hardwicke, at or near the residence of Robert Noble, in the County of Northumberland.

CAP. XXXVI.

An Act to amend an Act regulating the shipping of Seamen at the Port of Saint John, and extend the provisions thereof to other Ports and places being Sea Ports in this Province.

Passed 3rd May 1853.

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

12 V. c. 50, s. 7, repealed.

No person but the Shipping Master at Saint John, or his Deputy, to provide Seamen for Vessels there, or obtain the Registry Tickets.

Act 12 V. c. 50, extended to all Vessels at Saint John, except Coasters.

Act 12 V. c. 50, and this Act, may be extended to other Ports, on application of the Justices in Sessions.

1. The seventh section of an Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act regulating the shipping of Seamen at the Port of Saint John*, shall be and the same is hereby repealed; and from and after the passing of this Act, no person but the Shipping Master at the Port of Saint John, or his legal Deputy, shall supply or provide a Seaman to be entered on board a Merchant Ship at the Port of Saint John; and no other persons whatsoever shall demand or obtain the Register Ticket of any Seaman for the purpose, or under the pretence of engaging him on board of any Merchant Ship.

2. All the provisions of the said Act as thus amended shall be and the same are hereby extended to all Merchant Ships whatsoever, arriving at or departing from the Port of Saint John, except such Vessels as are prosecuting the Coasting Trade.

3. 'Whereas it is desirable to extend the provisions of this Act, and the said Act passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act regulating the shipping of Seamen at the Port of Saint John*, to such other Ports or places in this Province as may be desirous of taking advantage of the same; All the provisions of the said recited Act for regulating the shipping of Seamen at the Port of Saint John, together with this Act, are hereby extended to all other Ports and places being Sea Ports within this Province, and Shipping Masters may be appointed and established thereunder in like manner as at the Port of Saint John, upon the application of the Justices of the Peace, at any Court of General or Special Sessions of the County in which such Port or place may be situate, called for the purpose, to the Lieutenant Governor in Council.

CAP. XXXVII.

An Act to amend the Charter of the City of Saint John, and certain Acts of Assembly relating to the local government of the said City.

Passed 3rd May 1853.

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

Charter, in part;

1. So much of the Charter of the City of Saint John as is inconsistent with, or contrary to the provisions of this Act, and also a Bye Law of the Corporation of the said City, passed on the twenty fifth day of February one thousand eight hundred

hundred and fifty, intituled *A Law to regulate the Elections of Aldermen, Councillors and Constables in the City of Saint John*; and also the following parts of Acts of Assembly, that is to say:—The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth sections of an Act passed in the third year of the Reign of King William the Fourth, intituled *An Act for more effectually repairing the Streets and Bridges of the City of Saint John*; the first, second, sixth and ninth sections of an Act passed in the sixth year of the Reign of Queen Victoria, intituled *An Act for the amendment of the Charter of the City of Saint John*; the second, third, fourth, fifth, twenty first, twenty second, twenty third, twenty fifth and thirtieth sections of an Act passed in the twelfth year of the same Reign, intituled *An Act in further amendment of the Charter of the City of Saint John*; the ninth, tenth and twenty first sections of an Act passed in the thirteenth year of the same Reign, being a Local Act, intituled *An Act relating to the Police Force established in the City of Saint John, and to provide for the relief of Debtors confined in the Gaol of the said City for small sums, and making provision for the levying and collecting of assessments in the said City, and other purposes*, are hereby repealed; save and except so far, however, as relates to any appointment, election, bye law, ordinance, rule, regulation, rate, tax, act, deed, matter, action, suit, proceeding, or thing heretofore had, done, passed or made, or now pending, in progress and undetermined, under and by virtue of the same or either of them, which shall remain in full force, and be respectively observed and fulfilled, proceeded with and determined, unless as is hereinafter otherwise directed, in the same manner and to the same effect and purpose as if the said parts of the said Charter and Acts had not been repealed.

Bye Law dated
25th February 1850;
also

Acts
3 W. 4, c. 13,
in part;

6 V. c. 35,
in part;

12 V. c. 68,
in part; and

13 V. c. 1,
(Local Act) in part,
repealed.

Reservations.

2. There shall be elected annually by the freemen and freeholders of the said City, on the first Tuesday in April after the present year, for each respective Ward, one Alderman, one Councillor, and one Constable, as heretofore; and the said Alderman, Councillor and Constable shall have all the powers, and be subject to all the duties of their respective offices, as provided by the Charter, or any Act of Assembly, or any Bye Law of the Corporation; and on the first Tuesday in May annually in every future year, the said freemen and freeholders shall elect the Mayor of the said City.

Annual election of
a Mayor for the
City and an Alder-
man, a Councillor
and a Constable for
each Ward.

3. No person shall be qualified to vote at any such election for Mayor, Alderman, Councillor or Constable, unless he be at the time of the election a British subject, and also a freeman and inhabitant, or a freeholder, of the City; and no person shall be qualified to vote as a freeman unless he shall have been a registered freeman at least three calendar months before the day of the election, and shall have actually resided in the City 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 City rates preceding such election; and that the Common Clerk of the said City do, at least six days before the day of election, prepare alphabetical lists of the freemen of the said City, to be taken from the records of City freemen, and of all persons assessed on real estate, to be taken from the last general assessment list filed in the Common Clerk's office, and furnish copies of the same to the Commissioners appointed to hold the election, at least twenty four hours before the time appointed for holding the same, which list shall be open for public inspection at the Common Clerk's Office for six days previous, during which time any person having been assessed as aforesaid, and whose name may have been omitted, shall upon satisfactory proof of the same rendered in writing to the Common Clerk, have his name inserted thereon; which said lists, so furnished, shall

Qualification of
voters.

Freeman.

Freeholders.

Lists of freemen
and freeholders to
be made up annu-
ally, and be open
for inspection and
correction.

Freeholders by descent or devise.

shall be for all the purposes of accepting or refusing the ballot of any person wishing to cast the same, a register of voters; provided always, that any person entitled to real estate by descent or devise, whose title may have accrued not less than three calendar months before the day of election, may have his name entered upon such list although he may not have been rated, on producing proof to the satisfaction of the Common Clerk, of his being entitled to be entered on the list under this proviso; 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, taxes and assessments imposed on him during the year next preceding the election.

Qualification of Mayor and Aldermen.

4. No person shall be qualified to be elected Mayor or Alderman, unless in addition to the qualifications necessary to a voter, he shall at the time of his election be possessed, as owner thereof, of real or personal property, or both together, within the said City, over and above all incumbrances whatsoever, to the extent of at least two hundred and fifty pounds.

Office of profit in the gift of the Common Council payable out of the City funds, or interest in a contract with the Corporation, to disqualify for office of Mayor, Alderman or Councillor.

5. No person shall be qualified to be elected, or to be or sit as Mayor, Alderman or Councillor during such time as he shall hold any office or place of profit in the gift or disposal of the Common Council, the emoluments of which are paid out of the funds of the City, or during such time as he shall have directly or indirectly, by himself or partner, any share or interest in any contract or employment with, by or on behalf of the Corporation; provided that such disqualification shall not arise from any person being a shareholder in any Corporate Company having a contract with the Corporation, or any share or interest in any lease, sale or purchase of Corporation lands, tenements or hereditaments, or any agreement for any such lease, or for the loan of money; and that no Mayor, Alderman or Councillor shall receive into his hands any moneys for or 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 that all moneys due by the Corporation on any such account, shall be paid by the Chamberlain of the City to the person or persons who shall actually have done such work, and shall be entitled to such moneys by, under or for such contract, work or employment.

No Mayor, Alderman or Councillor to receive money due on any contract.

Regulation of elections. Votes where to be given.

6. In respect of any election for Mayor, Alderman, Councillor or Constable, the following regulations shall be observed, viz:—Each elector, if voting as a freeman, shall give his vote in the Ward wherein he resides; and if voting as a freeholder, shall give his vote in any Ward where such freehold is situate.

Elections to be conducted before a Commissioner.

7. The Election shall be conducted in each Ward before a Commissioner, not being a member of the Common Council, to be appointed for each Ward by the Sheriff, Recorder and Common Clerk, or any two of them, at least six days before the day of election; and in case of the death, illness, absence, or refusal to act, or resignation of any such Commissioner, another or others may be appointed in like manner at any time previous to the election which such Commissioner may be appointed to hold in the stead of such Commissioner; and in case of any election to supply any vacancy, such election shall be held on a day to be appointed by the Recorder or by the Common Clerk, and by a Commissioner to be appointed as hereinbefore provided.

Public notice of the names of the Commissioners and of the time and place of holding the elections.

8. Of the time and place of holding every election respectively, and of the names of the respective Commissioners so to be appointed for holding elections, public notice shall be given by and under the hand of the Recorder or Common Clerk, by publishing such notice in one of the Newspapers published in the City, or by handbills posted up in the respective Wards, at least six days immediately preceding the day for holding such election.

9. Each Commissioner, before entering upon his duties, shall be sworn before a Justice of the Peace to the faithful discharge thereof. Commissioners to be sworn.
10. The Commissioner at each Poll shall appoint a Poll Clerk, who shall be sworn before such Commissioner to the faithful discharge of his duties. To appoint a poll clerk.
11. Every candidate for the office of Mayor, Alderman, Councillor or Constable, shall be nominated by two qualified electors, who shall subscribe a declaration of such nomination, and file the same in the Common Clerk's Office at least twenty four hours before the commencement of the election, and no vote shall be counted except those given for one or some of the persons so nominated; and the names of all the candidates nominated for each office shall be posted up at the respective Polling places in each Ward. Nomination of Candidates.
12. The Commissioner in each Ward respectively, shall receive, sort, count and declare all the votes in the Ward. Commissioner to declare the votes in respective Wards.
13. The Poll Clerk shall enter on a Poll List the name of each elector voting, and any other fact the Commissioner may require him to note down. Entries on Poll Lists.
14. The votes shall be given at the elections by ballot. Vote to be by ballot.
15. The ballot shall be a paper ticket, which shall contain in writing or printing, or partly written and partly printed, the name or names of the person or persons for whom the elector intends to vote, and the office he is intended to fill. Description of the ballot ticket.
16. Each voter shall deliver his ballot, folded up, to the Commissioner, together with a tax receipt, signed by the Collector of Taxes in the City, who is hereby required to furnish the same on demand, under the penalty of five pounds for each refusal, stating that the person therein named has paid all rates, taxes and assessments imposed on him during the year then next preceding, and no ballot shall be received by the Commissioner without such receipt. Delivery of the ballot by the voter.
17. The Commissioner shall ascertain that the ballot is single without reading it, and then shall deposit it without delay in a ballot box, and should he discover the same not to be single, the ballot shall be immediately rejected, and the party who tendered the same be deprived of his right of voting at that election. Duty of Commissioner on receipt of each ballot.
18. No ballot shall contain more names than there are persons to be chosen in office; if in sorting the votes it shall be found that a ballot is double, or that two or more ballots are enclosed in the same cover, or if the name of the same person be more than once entered for the same office on the same ballot, or if any ballot contain more names than legal, all such ballots shall be rejected. What ballots shall be rejected.
19. The box shall be opened and the ballots counted by the Commissioner in the presence of the Candidates, if they choose to attend. Opening of the box and counting of the ballots.
20. The poll for the Mayor or Aldermen, Councillors or Constables, shall be opened in each Ward at eight o'clock in the forenoon, and shall continue open till four o'clock in the afternoon of the same day; and the name of each elector voting shall be written in poll books to be kept at such election by the Poll Clerks; and immediately after the final close of the poll, all the votes given in the Ward shall be sorted, counted, and publicly declared by the Commissioner, and in making such declaration and record the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively, and for what office; and the Commissioner shall close and seal the poll book, and the receipts delivered in by the electors, and deposit the same so enclosed and sealed with the Common Clerk, before ten o'clock in the morning of the next day, to be by him laid before the Common Council at their first meeting thereafter; and the said poll book shall then be opened, and the Common Council shall examine all the returns from the respective Wards, and shall declare the persons having the majority of votes to be duly elected. Duration of the poll.
Entries in poll book and final close.
Poll books and receipts to be delivered to the Common Clerk.

A new election to be held when the votes are equal.

21. In case there shall be an equal number of votes polled for two or more persons, a new election shall be held in respect of such persons to determine the same.

Penalty for illegal voting.

22. Any person knowingly or wilfully voting when not entitled to vote; any person fraudulently putting in more than one ballot when voting, or voting in an assumed name; and any person who shall vote oftener than he is entitled to, shall pay a fine of two pounds.

Electors may be sworn.

23. Every person desirous of voting at any election, shall, before his vote be entered on the Poll List, if required by the Commissioner, or by any qualified elector, take the following oath, which oath the Commissioner is directed to administer:—"I do swear that I am a British subject, that I am qualified by law to vote at this election in this Ward, and have not before voted at this election within this Ward.—So help me God." And whenever a vote shall be so sworn, the Poll Clerk shall mark "sworn" opposite his name in the Poll List.

Penalty for false swearing.

24. If any person shall knowingly swear falsely, he shall be guilty of perjury, and subject to the penalties thereof.

Commissioner to have the power of a Justice of Peace. Aldermen, Councillors and Constables to be sworn on the third Tuesday in April.

25. The Commissioner shall have, for the purposes of the election, and during the time of holding the same, all the power and authority of a Justice of the Peace.

Time for swearing in the Mayor; and his continuance in office.

26. The respective Aldermen, Councillors or Constables, duly elected, shall be sworn into office on the third Tuesday in April in every year, as provided by the Charter.

27. The Mayor shall be sworn into office before the Recorder or Common Clerk, as soon as conveniently may be after his election shall be declared by the Common Council, and shall continue in office until he resign or die, or become disqualified as before mentioned, or another shall be duly elected and sworn in his stead.

Penalty for refusing the office of Mayor or Alderman.

28. Every person duly qualified, who shall be elected to the Office of Mayor or Alderman, shall accept the office or forfeit to the Corporation the sum of twenty five pounds.

Extraordinary vacancies.

29. If an extraordinary vacancy occur in the office of Mayor, Alderman or Councillor, an election for such vacancy shall be ordered and conducted in all respects in the same manner as ordinary elections under this Act.

Declaration of special vacancies to be made.

30. All special vacancies of office from death, disqualification, resignation or other cause, shall be declared by the Resolution of Common Council, before proceeding to fill up the vacancy.

Common Council annually in April to determine the amount to be raised by assessment for the roads.

31. The Common Council of the said City are hereby authorised and required once in every year in the month of April, including the present year, to determine and direct what sum of money, not exceeding two thousand pounds in any one year, shall be raised and levied in the said City for the purpose of repairing, altering and maintaining the streets, squares, bridges and highways in the said City, and shall make a rate and assessment upon the said City of such sum in the present year, and in each and every succeeding year, besides the charges and expenses of assessing and collecting, and shall direct their Warrant for such purpose to the Assessors of Taxes in the said City, and the same shall be assessed by a rate of two shillings and six pence upon the poll of all male inhabitants of the said City of the age of eighteen years and upwards, not being paupers, and the residue by a rate in just and equal proportion upon the real and personal estate and incomes of such inhabitants, and shall be levied, collected and paid in the same manner as any County rates for public charges can or may be levied, collected and paid under and by virtue of any laws which at the time of making such assessments may be in force for assessing, levying and collecting of rates for public

How to be rated, collected and paid.

public charges; and when collected, shall be paid into the hands of the Chamberlain of the City, for the purposes of repairing, altering and maintaining the streets, squares, bridges and highways in the City of Saint John, and for no other use or purpose whatsoever.

32. The Common Council may appoint from time to time, and remove at pleasure, one or more Commissioners of Streets for the said City or any district thereof, and by any bye laws, orders, regulations or resolutions of the Common Council, may direct and appoint the times, places, districts, and mode of exercising the duties required of such Commissioner or Commissioners.

Common Council may appoint Commissioners of Streets, and specify their duties.

33. The Chamberlain shall keep separate and distinct Accounts for each side of the Harbour, of all moneys received by him in respect of such assessments, and shall apply and appropriate the same from time to time upon the orders of the Common Council, and as they shall direct, for the purposes of this Act; and the amount raised on either side of the Harbour shall be expended for the separate and exclusive benefit of that side; and the Chamberlain shall in each and every year make out full, complete and detailed Accounts under oath to be taken before a Justice of the Peace, made up to the thirty first day of December, with vouchers, of all moneys received and paid by him on these Accounts, and shall without delay thereafter file such Accounts and vouchers in the Common Clerk's Office.

Chamberlain to keep separate Accounts of the moneys raised for each side of the harbour.

34. Every such Commissioner of Streets when thereunto required by the Common Council, shall make out and deliver to the Assessors a list or lists of all persons in his district liable to be assessed for Streets under this Act, which list or lists shall be filed in the Common Clerk's Office by the Assessors, together with their assessment list, so soon as the same shall be made.

Commissioners to deliver to the Assessors, list of persons assessable for the streets.

35. Any person when called upon by any Commissioner of Streets, or by any other person appointed by the Common Council to assist such Commissioner in this behalf, shall within twenty four hours give and render to such Commissioner or other person as aforesaid, a particular account and statement in writing, containing the names of all persons who may be in his or her employ, or who may be resident in the house kept or occupied by him or her, and who may be liable to be assessed for Streets; such statement to contain not only the names of persons belonging to his or her family, but also the names of any boarders, lodgers, or domestic servants, who may be liable as aforesaid; and if any person shall neglect or refuse to render such account or statement, he shall forfeit and pay the sum of five pounds, to be sued for and recovered in the name of the Chamberlain, in the like manner and with the like effect as any penalty imposed by any law of the City may be sued for and recovered.

Names of boarders, lodgers, servants, workmen, &c., to be furnished within twenty four hours of the demand.

Penalty.

36. The Common Council are authorised to make such bye laws as may be necessary for perfecting the conducting of the Elections by Ballot in accordance with the intention of this Act.

Bye laws for perfecting election by ballot may be made.

37. Nothing in this Act contained shall affect the election of the Mayor of the City of Saint John for the present year, which shall take place as if this Act had not been passed, in all respects as directed by *An Act in further amendment of the Charter of the City of Saint John*, passed in the twelfth year of Her present Majesty's Reign; and provided that the assessment under the thirty first section of this Act may be directed for the present year at any time before the twentieth day of May; and nothing in this Act contained shall be held to apply to the election to be held in Wellington Ward for the present year; and in case any Mayor, Alderman, Councillor, or Constable, shall die, remove from the City, or resign his office, or in case of any vacancy occurring either by the election of any Alderman or Councillor to the office of Mayor, or in any other manner, before the first

Act not to affect election for Mayor, or other vacancies before April next.

Assessment under sec. 31 may be ordered before 20th May.

Tuesday

Tuesday in April next, the election for supplying such vacancy shall be held and conducted in every respect as if this Act had not been passed.

Bye laws to be transmitted to the Lieutenant Governor for disallowance or confirmation.

38. Every Bye Law or Ordinance made by the Corporation shall be forthwith transmitted to the Lieutenant Governor, who by and with the advice of the Executive Council, shall within three months from the receipt thereof disallow or confirm the same, and all bye laws and ordinances shall be in force until such disallowance shall be transmitted to and received by the Common Clerk.

CAP. XXXVIII.

An Act to amend an Act for the division of King's Ward, in the City of Saint John, into two separate Wards.

Passed 3rd May 1853.

Line dividing King's & Wellington Wards, altered. Cap. 11.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the point described in the first section of an Act passed at the present Session of the Legislature, intituled *An Act for the division of King's Ward, in the City of Saint John, into two separate Wards*, shall be formed by lines drawn through the centre of King and Charlotte Streets in the said City, instead of Union Street, and a continuation of Charlotte Street, as described in the said Act; and the line running from said point shall run northwardly through the centre of Charlotte, Coburg and Garden Streets, to the City line, any thing in the said Act to be contrary notwithstanding.

CAP. XXXIX.

An Act to revive and amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte.

Passed 3rd May 1853.

Preamble.

WHEREAS great injury has been done to the Herring Fishery within the County of Charlotte by the erection of weirs, fishgarths, and other obstructions, and the placing and setting of seines and nets across the several Havens, Rivers, Creeks and Harbours therein;

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

The placing of seines or nets restricted in certain places in the County of Charlotte.

1. No seine or net shall be set across the mouth of any haven, river, creek or harbour within the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield, and Saint George, in the County of Charlotte, and no seine or net shall be set in any such haven, river, creek or harbour, which shall extend more than one third the distance across the same, or be within forty fathoms of each other, or which shall be set within twenty fathoms of the shore at low water mark of the same.

Penalty for offending, &c.

2. Any person offending against the preceding section, upon due conviction thereof, or by confession before one of Her Majesty's Justices of the Peace for the County of Charlotte, shall for the first offence forfeit the sum of five pounds, to be levied by warrant of distress and sale of the offender's goods; and for the second offence shall forfeit the sum of ten pounds, to be recovered with costs in an action of debt in any Court of Record in this Province; and for the third and any subsequent offence, shall forfeit the sum of fifteen pounds, to be recovered with costs in like manner; one half of such penalties, when recovered, to be paid to the Overseers of the Poor of the Parish where the offence was committed, for the use of the Poor, and the other half to the person who shall sue for the same.

Recovery and application.

3. Every fish weir in the Parishes before mentioned which is dry at low water, or which in the opinion of the Wardens of the Fisheries for the County of Charlotte requires the same, shall have a gate therein of such width and in such position as the said Wardens may determine; and the owner or occupier of any fish weir who shall neglect or refuse to place a gate therein according to the directions of the said Wardens, shall forfeit and pay the sum of five pounds for each day he shall so neglect and refuse after due notice.

Wardens may order gates to be made in weirs dry at low water.

4. The said Wardens and the Overseers of the Fisheries in the Parishes before mentioned, shall severally have power to seize and remove any net, hedge, weir, fishgarth, seine, or other obstruction, set or placed contrary to the provisions of this Act, and after five days notice may sell the same in some public place in the Parish where the seizure is made, together with any fish found therein; after deducting from the proceeds the charges of such seizure and sale, the residue shall be applied to the payment of any penalty incurred under this Act, and the overplus, if any, shall be paid to the Overseers of the Poor for the Parish where the offence was committed, for the use of the Poor thereof.

Authority to seize nets, weirs, &c., set contrary to this Act.

5. The said Wardens shall have power to mark out and designate in proper positions at the Island of Grand Manan and other fishing stations in this Province, if necessary, fit places for the deposit of fish offal, to be called "gurry grounds;" they shall post up notices in the said Island at the several School Houses, describing the limits and position of such "gurry grounds," and publish the like notice in the Royal Gazette; and if after the posting and publication of such notice, any person shall cast overboard from a boat or vessel the heads, bones or other offal of fish into the waters of or near the Island of Grand Manan, at any place except the said "gurry grounds," such person shall forfeit and pay a fine not exceeding five pounds nor less than ten shillings for each offence.

Gurry grounds to be marked out and limits published.

6. The penalties in the two preceding sections may be sued for and recovered by summary proceedings before one or more Justices of the Peace together with costs, and when recovered shall be paid over to the person who shall prosecute for the same.

Penalty for casting gurry at other places.

Recovery and application of penalties.

CAP. XL.

An Act to authorise and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County.

Passed 3rd May 1853.

WHEREAS a new Court House is required in the County of York; and whereas it is expedient to authorise the Justices of the Peace for the said County to raise by loan a sum not exceeding three thousand pounds to be applied to the erection of such Court House;

Preamble.

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

1. That it shall and may be lawful for the Justices of the Peace for the said County, at any General or Special Sessions of the Peace to be holden for the said County, to raise by loan a sum of money not exceeding three thousand pounds, for the purpose of erecting a new Court House for the use of the said County, to be paid off and discharged in the manner hereinafter mentioned, the same to be taken on loans of not less than fifty pounds, and that Debentures in the following form, or to that effect, shall be prepared and delivered to the person or persons from whom such loan may be obtained, viz:—

Authority to raise by loan £3,000 to erect a Court House.

Form of
Debentures.

Number

County of York, 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 said County of York, the sum of ——— pounds currency, which sum is payable to him, (*or her, as the case may be,*) together with lawful interest, pursuant to an Act of Assembly made and passed in the sixteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorise and empower the Justices of the Peace of the County of York to raise by loan a sufficient sum of money to enable them to erect a new Court House in the said County of York.*—Dated the day of in the year of our Lord one thousand eight hundred and fifty

By order of the Sessions.

C. D. Clerk.

A. B. Justice of Common Pleas.

Signature.

Which said Debentures shall be signed by one of the Justices of the Inferior Court of Common Pleas and of the Peace for the said County, and countersigned by the Clerk, and shall be respectively numbered according to the time at which the same may be made and issued, and a memorandum thereof shall be submitted by the Clerk at the next General Sessions, and the same to be entered on the Minutes of the said Court.

Money to be paid to
and disbursed by
the County
Treasurer.

2. The moneys so authorised to be borrowed by the said Justices, shall from time to time be paid to and received by the Treasurer of the said County, and shall be paid out by him from time to time when required, by order of the General or Special Sessions, in such sums as may be necessary for the purposes of this Act; and the said County Treasurer shall at every General Sessions of the Peace for the said County, render a just and true account, and on oath if required, of the sums of money received and paid by him on this account, separate and distinct from his other accounts.

Holders of
Debentures
to receive not
exceeding 6 per
cent. per annum.

3. The holders of such Debentures shall be entitled to receive interest for the same annually, not exceeding six per cent., to be paid by the Treasurer of the County out of the assessments hereinafter mentioned, upon the orders of the said General Sessions, to be made in manner hereinafter mentioned.

Authority to raise
not exceeding
£500 per annum
till the loan be
paid off.

4. It shall and may be lawful for the said Justices of the Peace for the said County, and they are hereby authorised and required to make a rate and assessment, not exceeding the sum of five hundred pounds in the present year, and a rate and assessment of a like sum in each and every succeeding year, besides the charge for assessing and collecting, for paying off and discharging the loans contracted for the purpose hereinbefore mentioned, by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied and collected in such proportions, and in the same manner as any other County rates for public charges can or may be assessed, levied and collected, under and by virtue of any Act or Acts of the Assembly made or to be made for assessing, levying and collecting County rates for public charges as aforesaid, and when collected shall be paid into the hands of the said County Treasurer for the purposes of this Act.

Money assessed
to be applied to
payment of interest
and the principal,
in due order.

5. The moneys to be assessed as aforesaid, shall from time to time be applied, after discharging the yearly interest due on the several principal sums mentioned in the said Debentures, in due order, according to the number, beginning with number one, and that said County Treasurer shall, when, so often as he may be directed by the said General Sessions of the Peace, give one month's public notice, by advertisement in one of the newspapers published in the City of Fredericton, for calling in such and so many of the Debentures as the said Jus-

tices

tices are prepared to pay off, specifying the numbers in such advertisement, and the same by and under such orders as aforesaid, shall pay off accordingly, and that from and after the expiration of such notice, the interest on such Debentures shall cease.

6. The said County Treasurer shall be entitled to the sum of one pound five shillings per centum for his services on receiving and paying all the moneys ordered to be assessed by and under the provision of this Act, and no more. Compensation of the County Treasurer.

CAP. XLI.

An Act to authorise the Justices of the Peace for the County of Westmorland to assess the inhabitants of the Parishes of Moncton and Salisbury for the erection of a Lock-up House for the said Parishes.

Passed 3rd May 1853.

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

1. That the Justices of the Peace for the County of Westmorland, or the major part of them, at any General Sessions of the Peace, be and they are hereby authorised and empowered to contract and agree with able and sufficient workmen for building and finishing a Lock-up House or House of Correction, at the Bend, in the Parish of Moncton, in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry this object into effect; and the said Justices, or the major part of them, at the General Sessions as aforesaid, are hereby authorised and empowered to make rate and assessment upon the inhabitants of the said Parishes of Moncton and Salisbury, for a sum not to exceed one hundred and fifty pounds, for defraying the expense of the erection and finishing of said Lock-up House or House of Correction, and from time to time to make such rules and regulations for the management of the same as to them may seem meet. Authority to contract for building a Lock-up House or House of Correction, and assess the Parishes of Moncton and Salisbury £150 for the expenses.

2. It shall be lawful for the High Sheriff of the said County, and other officer having legal custody of any person or persons who shall or may be arrested in the said Parishes of Moncton and Salisbury, in all cases in which the said Sheriff and other officer as aforesaid, could legally lodge the said person or persons in the common gaol of the said County, to commit the said person or persons to the said Lock-up House or House of Correction, until the said person or persons can be removed to the said County gaol: provided always, that no person under civil arrest shall be detained in such Lock-up House or House of Correction for any space of time exceeding twenty days. Authority to commit to the Lock-up House or House of Correction.

3. The said sum of one hundred and fifty pounds so to be assessed and apportioned between the said Parishes, shall be levied, collected and paid agreeably to any Acts in force for the assessing, collecting and levying of County rates. Money to be assessed, &c., agreeably to laws in force.

CAP. XLII.

An Act to erect a part of the Parish of Woodstock, in the County of Carleton, into a separate and distinct Town or Parish.

Passed 3rd May 1853.

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

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

Parish of Richmond
erected from part
of Woodstock.

1. All that part of the rear or westerly part of the Parish of Woodstock, in said County, lying within the following limits, that is to say:—Commencing at the northwest corner of the second tier of lots on the line dividing the Parishes of Woodstock and Wakefield, running southerly along the rear of the second tier of lots; thence following a prolongation of said rear line until it intersects the line dividing the Counties of York and Carleton; thence westerly along said line until it strikes the United States Boundary Line; thence due north, following said line, until it meets the Parish line of Wakefield; thence easterly along the said line dividing the Parishes of Woodstock and Wakefield, to the place of beginning, shall be, and the same is hereby erected into a separate and distinct Town or Parish, to be called the Town or Parish of Richmond.

To have the same
privileges as other
Parishes.

2. The said Town or Parish of Richmond shall have the like privileges, and be subject to the same laws and regulations as govern the other Parishes in said County.

Parish Clerk to be
appointed with
power to hold
elections of
Municipal Officers.

3. The Municipal Councillors of said County shall at their first meeting, holden after the passing of this Act, appoint one fit and proper person as Parish Clerk, who shall be empowered to hold the first annual election for Municipal Councillors and other Parish Officers in the same form and manner and at the same time as the Councillors and other officers are now elected in the other Parishes in the said County.

Act not affect the
recovery of
taxes due.

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

CAP. XLIII.

An Act to revive and continue an Act for the appointment of Firewards in the Parish of Woodstock.

Passed 3rd May 1853.

Act 6 W. 4, c. 37,
revived and
continued.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the appointment of Firewards in the Parish of Woodstock*, be and the same is hereby revived and declared to be in full force, and shall continue in operation until the first day of May which will be in the year of our Lord one thousand eight hundred and sixty.

CAP. XLIV.

An Act in addition to an Act intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*.

Passed 3rd May 1853.

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

Fifty firemen may
be appointed in
Saint Stephen
to Engine No. 2,
under Act 13 V.
c. 30, s. 6.

1. The authority given to Firewards by the sixth Section, Article first, of an Act passed in the thirteenth year of the Reign of Queen Victoria, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, to nominate and appoint Firemen, be extended to a number not exceeding fifty, so far as the Saint Stephen's Volunteer Fire Engine Company, Number Two, in the Lower Village District, in the Parish of Saint Stephen, in the County of Charlotte, is concerned.

2. The provisions of this Act shall extend to the Fire Companies formed or to be formed in the Town of Saint Andrews.

Act extended to
Saint Andrews.

CAP.

CAP. XLV.

An Act in addition to and in amendment of the Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province.

Passed 3rd May 1853.

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

1. That in addition to the Town and Parish Officers named in Article 1 of Section 1 of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes*, it shall and may be lawful for any Town or Parish in the County of York to elect one or more Timber Drivers, who shall be elected, or may when requisite be appointed, in all respects as directed in and by the said recited Act.

Timber Drivers may be elected in the Parishes in the County of York, under Act 13 V. c. 30.

2. The Drivers of Timber so appointed shall have full power and authority when called upon by any person interested, to proceed to the River and take charge of the drive of timber, logs or lumber therein, and to determine the number of hands, rigging and implements required for the work, and to apportion the number of men and materials to be furnished by each owner of such timber, logs or lumber; and in case any of the parties shall not furnish such men and materials within two days after notice given to him or them by such Driver in writing, it shall be his duty to procure the necessary men and materials; and for the reasonable expense of the same, as well as for other expenses incurred, and his own reasonable charges, he shall have and hold a lien on the timber, logs and lumber, and unless the same be paid within sixty days after the same arrives at the rafting ground or market, as the case may be, such Driver may proceed to sell the property, or so much thereof as may be necessary to defray such expenses and charges, first giving notice to the owner, if in the limits of the Province, and advertising in three or more public places of the Parish where the property may be, for thirty days.

Authority given to take charge of drives of timber, &c., and determine the men and materials to be furnished.

Lien for expenses.

3. The General Sessions of the Peace for the County shall and may at their next or any subsequent Sessions, make rules and regulations for the guidance of such Driver, and to regulate the mode of conducting the drives, and the duties of the office, as also to establish a scale of fees and charges for the said work; which fees and charges shall be secured and recovered as prescribed in the last section of the said Act, by lien upon and sale of the timber, logs or lumber of the respective parties, in proportion to the quantity owned by them respectively.

General Sessions to make regulations for the guidance of the Drivers.

XLVI.

An Act to authorise the granting Letters Patent for the manufacture of Malleable Iron from the Ore.

Passed 3rd May 1853.

‘WHEREAS one John Cairns, of Dundas, in the County of Kent, has made application to the Government to obtain Letters Patent for an improved mode of smelting and manufacturing malleable or bar iron from the ore without reducing it to pig iron: And whereas under the present Law the Government is not authorised to grant Letters Patent to any but the original inventor or assignee of the whole Patent: And whereas the said John Cairns alleges that he is the proprietor of a share in a Patent taken out in Great Britain by one William Neale Clay, for such process, which has not been worked under in consequence of the death of the original inventor: And whereas the benefits of such process cannot be obtained unless such Patent be granted to the said John Cairns;’

Preamble.

Be

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

Authority given to grant a patent to John Cairns, or any proprietor of a certain patent in Great Britain, on application with proof.

1. That the Lieutenant Governor in Council be and he is hereby authorised and empowered to grant Letters Patent to the said John Cairns, and to all or any other proprietor of said patent so granted in Great Britain, or his representative or assignee, when any such person or assignee may apply for the same, for the said process of smelting and manufacturing malleable or bar iron direct from the ore, if upon his application it be made to appear to the satisfaction of His Excellency in Council, that a cheaper or better material can be thus obtained, and private rights not be interfered with.

Duration and rights to inure to John Cairns.

Proviso for further conditions.

2. The patent so granted is not to be of longer duration than ten years, and is to be subject to the same provisions, and entitled to all the benefits of protection in this Province, as if the said John Cairns had been the original inventor; provided always, that the Lieutenant Governor in Council may at the time of granting such Letters Patent, make such further conditions or provisions for the regulation of such patent, or the protection of the public interest, or the rights of individuals, as may be deemed necessary, in order that the other proprietors or joint owners, or their representatives, may have the like advantage of the said patent when granted; and that the patent shall not issue until the provisions of any law in force at the time of such issue, relating to the assignee of any patent obtained in any other country, are complied with.

CAP. XLVII.

An Act to authorise the Rector, Church Wardens and Vestry of Saint Mark's Church, in the Parish of Saint George, in the County of Charlotte, to sell and dispose of certain Glebe Lands in said Parish, and invest the proceeds in other Lands.

Passed 3rd May 1853.

Preamble.

WHEREAS a certain tract of land situate on the north side of LeTang Harbour, in the Parish of Saint George, in the County of Charlotte, known as Glebe Lot, containing four hundred and fifty five acres, more or less, granted by Letters Patent under the Great Seal of the Province of New Brunswick to the Rector, Church Wardens and Vestry of Saint Mark's Church, in the Parish of Saint George, and their successors, for a Glebe: And whereas it is believed that the said tract of glebe land could be sold at a fair price, and that the moneys arising from such sale might be invested in the purchase of other lands more conveniently situated and more beneficial and productive for the use and benefit of the said Rector;

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

Corporation of Saint Mark's Church authorised to sell described tract of land.

1. That the Rector, Church Wardens and Vestry of Saint Mark's Church, in the Parish of Saint George, be and they are hereby authorised and empowered to sell, dispose of and convey all and singular the said lot or tract of glebe land, and make, seal and deliver good and sufficient deeds of conveyance of the same, in fee simple, by and with the approbation of the Lord Bishop of the Diocese, or in his absence, of the Archdeacon or Ecclesiastical Commissary of the Province, signified by either of them being a party to such deeds signing the same.

Proceeds of sale to be invested in other freehold property.

2. The amount arising from such sale of glebe land shall be invested by the said Rector, Church Wardens and Vestry in the purchase of other freehold property more conveniently situated for the use and behoof of the Rector of the said Church for the time being, to hold the same to the said Rector, Church Wardens and Vestry, and their successors for ever, for a glebe for the use and behoof of the Rector of the said Church for the time being.

CAP.

CAP. XLVIII.

An Act to amend an Act intituled *An Act to authorise the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain Lands in the said City, and to reinvest the proceeds thereof.*

Passed 3rd May 1853.

6 WHEREAS by an Act of the General Assembly of the Province of New Brunswick made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to authorise the Trustees of Saint Stephen's Church, in the City of Saint John, to sell and dispose of certain Lands in the said City, and to reinvest the proceeds thereof*, it was amongst other things enacted that in case any pewholder or pewholders in the said Saint Stephen's Church shall object to the sale of the said lots of land and buildings, such objection being made in writing at the time of sale, it shall and may be lawful for the Trustees for the time being, to pay to such pewholder or pewholders such sum of money as he or they shall make it satisfactorily appear that he or they paid for the pew or pews of which he or they may be proprietors, after deducting any arrears of rent or purchase money due on such pew or pews to the said Trustees, and upon such payment, the said pewholder or pewholders so objecting as aforesaid shall cease to have any interest therein: And whereas the land, buildings and premises mentioned in the said Act, with the appurtenances, have been sold, and the proceeds thereof, after payment of the debts due by the said Church, have been placed in the hands of Commissioners appointed by His Excellency the Lieutenant Governor, pursuant to the terms of the said Act, but such proceeds have not as yet been applied towards the purchase or erection of any other land or buildings, and it has been deemed advisable to allow parties having an interest in the said proceeds, to realize the value of their interest upon fair and equitable terms;

Preamble.

10 V. c. 70.

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

1. That it shall and may be lawful for the Commissioners for the time being, appointed or to be appointed by His Excellency the Lieutenant Governor under the authority of the said Act, upon application being made to them, in writing, by any person or persons having been a proprietor or proprietors of a pew or pews in the said Church at the time of the sale of the said Church, or his or their personal representative, setting forth the price paid by such proprietor or proprietors for their pews respectively, and the time of payment thereof, also whether there was at the time of such sale, any, and if any, what amount of rent due upon such pews to the Trustees of the said Church, and requiring payment for the value of the said pew or pews, to pay to such person or persons, or his or their personal representative, the price so paid for such pew or pews, deducting all arrears of rent due thereon up to the time of such sale, or such other sum or sums as the said Commissioners, or the major part of them, shall consider to have been the true value of such pew or pews at the time of such sale; and upon payment thereof, such proprietor or proprietors, and his or their legal representatives and assigns, shall cease to have any estate or interest in the said fund so realized from the sale of the said Church as aforesaid.

Commissioners appointed under Act 10 V. c. 70, on application, to pay over the balance between the price of pews and rents due.

2. That all and singular the real and personal estate belonging to the Trustees of Saint Stephen's Church, in the City of Saint John, at the time of the sale of the said Church, and not sold and disposed of under the said Act, shall be and is hereby vested in the Commissioners appointed by His Excellency the Lieutenant Governor under the authority of the said Act, and such other person and persons

Deputies, Agents of the Trustees of Saint Stephen's Church to be vested in the Commissioners appointed by the Lieutenant Governor.

persons

persons as may from time to time hereafter be appointed in their or either of their stead, to hold the same during the term of their respective tenure of the said office, and to receive and take the rents, issues and profits thereof, in trust for the purchase, erection and support of "some suitable place for public worship in connection with the Established Church of Scotland," as provided in the said Act.

Authority to grant leases.

3. The said Commissioners for the time being are hereby empowered to grant leases of the said lands, or any parts thereof, not to exceed the term of twenty one years, with covenants for renewal, or payment for improvements, or such other covenants as are usual and customary; and that upon the erection or purchase of some suitable place for public worship in connection with the Established Church of Scotland, under and by virtue of the said recited Act, and the appointment and election of Trustees therefor, the said real and personal estate shall thereupon *ipso facto*, be and become vested in such Trustees, their successors and assigns, for ever.

Future transfer of the property from the Commissioners to the Church Trustees.

Governor in Council authorised to appoint from time to time Commissioners in the place of Commissioners dying, &c.

4. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, from time to time, in case of death, refusal to act, or removal from the County of Saint John of any of the Commissioners so appointed, to appoint any other person or persons to be Commissioners in the place and stead of the parties so dying, removing or refusing to act, and so from time to time as occasion shall require; and such Commissioners shall thereupon be vested with such estate, power and authority as were vested in the Commissioners so dying, removing or refusing to act; provided always, that such Commissioners so appointed shall be resident in the County of Saint John, and shall be members of the Presbyterian Church in connection with the Established Church of Scotland.

Authority to lend money on land.

5. The said Commissioners from time to time are hereby authorised and empowered to lend the moneys now in their hands, or hereafter coming into their hands, upon mortgage, or upon Government or other good securities, upon interest.

CAP. XLIX.

An Act to authorise the Rector, Church Wardens and Vestry of Saint Mary's Church, of the Parish of Richibucto, to sell certain Lands granted to the said Corporation, and vest the proceeds in other Lands.

Passed 3rd May 1853.

Preamble.

WHEREAS the Rector, Church Wardens and Vestry of Saint Mary's Church, in the Parish of Richibucto, are represented to be seized and possessed of certain lands in the Parish of Richibucto, in the County of Kent, situate on the north side of Richibucto River, which are unproductive, and it is deemed desirable to sell and dispose of the same, and to vest the proceeds arising from such sale in other lands for the said Corporation;

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

Authority to Corporation of St. Mary's Church to sell described tract of land, and vest the proceeds in other lands.

The Rector, Church Wardens and Vestry of Saint Mary's Church, in the Parish of Richibucto, by and with the approbation of the Lord Bishop of the Diocese, be and they are hereby authorised and empowered to sell and dispose of, at public auction or private sale, all their right, title and interest to the following described piece of land, situate on the north side of Richibucto, in the County of Kent:—
"All that certain piece or lot of land situate on the north side of Richibucto River, in the Parish of Richibucto aforesaid, being all the lot number ten, excepting thereout one hundred acres of land sold to George Kinread, under an Act made
and

and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to authorise the Rector, Church Wardens and Vestry of Saint Mary's Church, in the Parish of Richibucto, to sell certain Lands granted to the said Corporation, and vest the proceeds in other Lands;*"—and to vest the sum so received in other lands for the use and purpose of a Glebe for the Rector of said Church. 11 V. c. 44.

CAP. L.

An Act relating to the Saint Andrews and Quebec Rail Road Company.

Passed 3rd May 1853.

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

1. So much of the fourth section of the Act made and passed in the fourteenth year of the Reign of Her present Majesty, intituled *An Act to facilitate the construction of a Railway from Saint Andrews to Quebec*, as authorises the Legislative Council and Assembly, by joint resolution, to appoint two Directors, who shall have the same power and authority as any other Directors chosen under the Act of incorporation; together with the Act made and passed during the present Session, intituled *An Act to amend the Act to facilitate the construction of a Railway from Saint Andrews to Quebec*, be and the same are hereby repealed. 14 V. c. 35, s. 4. and
16 V. c. 3. repealed.

2. The Lieutenant Governor or Administrator of the Government for the time being, in Council may, and he is hereby required annually, or from time to time, as occasion shall require, to appoint two Directors in the Saint Andrews and Quebec Rail Road Company, who shall have the same power and authority as any other Directors chosen by the said Company under their Acts of incorporation; and in case of such Directors, or either of them, refusing or neglecting to act, or for other good cause, to cancel such appointment, and another or others to appoint in his or their stead. Governor in Council to appoint from time to time Directors of the Company.

CAP. LI.

An Act to extend the Charter of the President, Directors and Company of the Commercial Bank of New Brunswick.

Passed 3rd May 1853.

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

The Charter heretofore made and granted to the President, Directors and Company of the Commercial Bank of New Brunswick, by Letters Patent under the Great Seal of this Province, bearing date the sixteenth day of August in the year of our Lord one thousand eight hundred and thirty four, and all matters and things therein contained, be and the same are hereby continued and declared to be in full force and effect to all intents and purposes, till the sixteenth day of August which will be in the year of our Lord one thousand eight hundred and seventy six. Charter of the Commercial Bank, dated 16th August 1834, extended to 16th August 1876.

CAP. LII.

An Act to increase the Capital Stock of the Saint Stephen's Bank, in the County of Charlotte.

Passed 3rd May 1853.

WHEREAS from the increase of business and trade in Saint Stephens, and from the limited Capital of the Saint Stephen's Bank, it becomes expedient to increase the Capital Stock of the same; Presamble.

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

1.

Capital to be increased by. £25,000.

Additional stock to be sold at auction.

Forty days notice of the time and place of sale to be given.

Advance, after deducting charges of sale, to be divided in equal proportions among the old and new stock. When banking operations on additional stock may be commenced.

Forfeited shares to be forthwith sold.

Decision of questions under this Act.

Liability of additional shares.

Limitation of Act.

1. The capital stock of the Saint Stephen's Bank shall be increased by the sum of twenty five thousand pounds, which additional capital stock shall be divided into shares of twenty five pounds each.

2. The additional shares shall be sold and disposed of at public auction to the highest bidder, in separate lots of four shares each, at the times and in manner following, that is to say:—Such sum as the Directors for the time being shall appoint, not less than twelve thousand five hundred pounds, making five hundred shares, on or before the first day of January next after the passing of this Act; and the remaining sum of twelve thousand five hundred pounds, (if so much shall remain unsold) at such time or times as the said Directors for the time being shall appoint; provided that no such sale shall take place of a less sum than five thousand pounds at one time, nor after the period of five years from the passing of this Act; and the amount then sold, in addition to the present capital, shall be the capital of the said Bank.

3. The said Directors shall give at least forty days notice of the time and place of any sale of stock under the provisions of this Act, and cause the same to be published in one public newspaper published in Saint John, one in Saint Andrews, and one in Fredericton; in which notice shall be specified the time when such stock, with the advance or premium thereon, will be required to be paid into the Bank.

4. The whole of such advance or premium, (if any) first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of said Bank, as well the old as the new stock; and such dividend of the said premium, shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock so called in, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the Office of the Secretary of the Province, a certificate that such amount of capital stock, at any time called in, has actually been paid into the said Bank, in current gold and silver coins of the Province, and not before.

5. Forfeited shares for non-payment thereof, and of the premium, (if any) shall without delay be sold in the same manner as before, and the premium divided as before.

6. All questions arising under this Act shall be decided in the same manner as questions arising under the original Act of incorporation.

7. The additional shares created by this Act shall be subject to all the rules, regulations and provisions to which the present stock is subject, or may hereafter be subject by any law of this Province.

8. This Act shall continue and be in force during the continuance of the Act incorporating the said Bank.

CAP. LIII.

15 V. c. 71.

An Act to amend an Act intituled *An Act further to increase the Capital Stock of the Saint John Water Company.*

Passed 3rd May 1853.

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

15 V. c. 71, s. 2, 3 and 5, repealed.

1. That the second, third and fifth sections of an Act made and passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act further to increase the Capital Stock of the Saint John Water Company*, be and the same are hereby repealed.

2.

2. That the additional shares of stock in the said Company, created by the Act above recited, shall be disposed of wholly or in part by the Directors as they may see fit, and shall be paid to the Treasurer of the said Company in such parts and portions, and at such time and times, as the Directors of the said Company shall from time to time determine; and that at least twenty days previous notice of payment being required for any one call shall be given in two or more of the newspapers published in the City of Saint John.

Additional shares to be sold as the Directors shall see fit.

CAP. LIV.

An Act to amend an Act intituled *An Act to incorporate the Saint John Hotel Company.* 3 V. c. 43.

Passed 3rd May 1853.

6 **W**HEREAS it is advisable to amend the Act of incorporation of the Saint John Hotel Company, by making provision for the dissolution of the 'said Corporation;' Preamble.

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

1. Any number of stockholders in the Saint John Hotel Company not less than ten, who together shall be proprietors of four hundred shares in the capital stock of the said Corporation, shall have power by themselves or their proxies at any time to call a general meeting of the stockholders, for the purpose of taking into consideration the propriety of dissolving the said Corporation, giving at least one month's previous notice in two or more newspapers published in the City of Saint John, and specifying in such notice the time and place of such meeting, with the objects thereof; and should it be determined by a majority of votes of the stockholders present at such meeting, (such majority being proprietors of not less than one hundred shares,) that the said Corporation should be dissolved, it shall be the duty of the President and Directors then in office, and they are hereby authorised and empowered to take immediate and effectual measures for closing the concerns of the said Company, and for dividing the capital and profits or loss which may remain among the stockholders in proportion to their respective interests.

The stockholders, being proprietors of 400 shares, may call a meeting to dissolve the Company.

Directors and officers to close the concern, if dissolution be agreed to.

2. Any sale or sales, transfer or transfers, which shall be made by the said President and Directors pursuant to the powers given by this Act, shall be valid and effectual to all intents and purposes; provided always, that prior to any sale or transfer being made of the property of said Corporation, thirty days notice of the time and place of sale shall be given by advertisement in two or more newspapers published in the said City.

Sales or transfer made pursuant to this Act to be valid.

CAP. LV.

An Act to alter and amend an Act intituled *An Act to incorporate the Saint John Gas Light Company.* 3 V. c. 89.

Passed 3rd May 1853.

6 **W**HEREAS in and by the second section of an Act made and passed in the eighth year of the Reign of Her present Majesty Queen Victoria, 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 the said sum of thirty 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: And whereas it is provided by the fourth section of the said Act of incorporation

‘ incorporation that a general meeting of the stockholders of the said Corporation shall be held at the City of Saint John, on the first Monday in May in each and every year, for the purpose of choosing nine Directors, and such other officers as may be necessary for the management of the affairs of the said Corporation: And whereas the said first Monday in May has been found to be an inconvenient time for holding such general meeting, and it is deemed advisable that such meeting should be held at a later period of the year: And whereas at a general meeting of the stockholders of the said Corporation, held at the City of Saint John aforesaid, on the first Monday in May last, nine Directors, and such other officers as were necessary for the management of the affairs of the said Corporation, were duly elected and chosen;’

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

Company may extend their capital to £40,000, to be levied and collected as in 8 V. c. 59. s. 11.

1. The said Saint John Gas Light Company shall have leave to extend the capital stock of the said Corporation to the sum of forty 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.

General annual meetings to be held on second Tuesday in June.

2. From and after the passing of this Act, the general meeting of the stockholders of the said Corporation for the election of officers, as provided by the fourth section of the said Act, shall be held on the second Tuesday in June, in each and every year, in lieu of the said first Monday in May.

Officers elected 1st May last to remain in office till others are elected.

3. The said nine Directors, and other officers necessary for the management of the affairs of the said Corporation, so chosen and elected on the first day of May last, shall continue in office until the second Tuesday in June next or until others are chosen in their place and stead, any thing in the said Act contained to the contrary thereof notwithstanding.

CAP. LVI.

An Act to amend an Act for the Incorporation of the Saint John Rural Cemetery Company.
Passed 3rd May 1853.

Preamble

‘ **W**HEREAS the time for holding the Annual General Meeting of the Saint John Rural Cemetery Company is found very inconvenient, and it has become necessary that the same should be altered;

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

Annual General meeting to be held on first Monday in April.

1. So much of the sixth section of the Act of incorporation as applies to the holding of the annual general meeting of the said Company is hereby repealed; and in lieu thereof, from and after this present year, the annual general meeting of the stockholders and proprietors of the said Company, shall be held on the first Monday in April in each and every year, for the purpose of choosing Directors, &c., as expressed in and by the said sixth section.

Tenure of lots in the Cemetery, and right to vote in the Company.

2. The lots in the said Cemetery shall be indivisible, but upon the death of any proprietor of any lot in the said Cemetery containing not less than one hundred and fifty square feet, the devisee of such lot, or the heir at law, as the case may be, shall be entitled to all the privileges of membership, and if there be more than

than one devisee or heir at law of such lot, the Directors for the time being shall designate which of the said devisees or heirs at law shall represent the said lot and vote in the meetings of the Corporation, but nothing herein contained shall prevent the heirs at law of such proprietor of a lot from burying in the same lot under the bye laws of the said Company.

CAP. LVII.

An Act to alter and amend the Act incorporating the Wakefield and Brighton Agricultural Society. 15 V. c. 83.

Passed 3d May 1853.

WHEREAS in and by the Act of the General Assembly fifteenth Victoria, Preamble.
chapter eighty three, incorporating *The Wakefield and Brighton Agricultural Society*, it is provided by the second section of the said Act, that
'the general meeting of the members of the said Corporation for the election of
'officers be held on the first Tuesday in October in each and every year, which
'period is found to be inconvenient: And whereas it is deemed advisable that
'such election should be held at a later period of the year, to enable the Board
'of Officers to close the business of such Society for the past year before others
'are appointed in their stead;

1. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the general meeting of the members of said Corporation for the election of officers, as provided by the second section of the said Act, shall be held on the last Tuesday in October in each and every year. General annual meeting for the election of officers to be held on last Tuesday in October.

2. 'And whereas at a general meeting of the members of said Corporation held at or near the mouth of the Begaguimick Stream, in the Parish of Brighton, in the said County, on the first Tuesday in October last, one President, five Vice Presidents, a Secretary and a Treasurer were elected by the votes of the said members for the current year: Be it enacted, that the said officers so elected as aforesaid shall continue in office until the last Tuesday in October next, or until others are chosen in their stead, any thing in the said Act to the contrary notwithstanding. Officers elected on first Tuesday in October last to continue in office until others are elected.

CAP. LVIII.

An Act to revive and continue an Act to incorporate the Tobique Boom Company.

Passed 3rd May 1853.

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

1. That an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Tobique Boom Company*, be and the same is hereby revived and declared to be in full force and effect. 9 V. c. 45, revived.

2. Unless a good and efficient Boom is erected, and the fact thereof verified in all respects as is provided for in and by the seventh section of the hereinbefore recited Act, the existence of the said Corporation shall terminate. Boom to be erected and fact verified.

3. All the provisions of the said Act inconsistent with this Act are hereby repealed. Repeal of inconsistent provisions.

4. This Act shall continue and be in force until the first day of November which will be in the year of our Lord one thousand eight hundred and sixty five. Limitation.

CAP.

CAP. LIX.

13 V. c. 16. An Act to amend the Act to incorporate the Shediac Grindstone Manufacturing and Mining Company.

Passed 3rd May 1853.

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

13 V. c. 16. a. 2 and 8, repealed. 1. The second and eighth sections of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to incorporate the Shediac Grindstone Manufacturing and Mining Company*, are hereby repealed.

Capital stock to be £25,000. 2. The capital stock of the said Corporation shall be twenty five thousand pounds of current money of the Province of New Brunswick, and shall be divided into two thousand shares of twelve pounds ten shillings each, to be paid in at such times and in such instalments as the business of the said Company shall require, of which stock already taken shall form a part ; provided that unless ten per cent. of the capital stock herein named, shall be paid in for the purposes of the Corporation, (of which the stock already paid in by the stockholders shall form a part,) and a certificate of such payment, and all future payments, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorised to administer,) shall be filed in the Office of the Secretary of the Province before the expiration of six years from the passing of the said Act to incorporate the Shediac Grindstone Manufacturing and Mining Company, the operation of the said Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said six years.

Act to become void if certain payments be not made, and certificate lodged.

CAP. LX.

An Act to incorporate the Gloucester County Agricultural Society.

Passed 3rd May 1853.

Preamble.

‘WHEREAS certain inhabitants of the County of Gloucester have formed themselves into a Society for promoting the improvement of Agriculture in the said County, and they are desirous of being incorporated, to enable them to carry out more effectually the objects of the said Society ;’

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

The Gloucester County Agricultural Society incorporated.

1. That Samuel L. Bishop, John Woolner, John Chalmers, William Molloy, Hugh A. Caie, and William Napier, their associates and successors, be and they are hereby declared to be a body corporate, under the name and style of *The Gloucester County Agricultural Society*, for the improvement and encouragement of Agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by Act of Assembly of this Province.

A general annual meeting for election of officers to be held on last Tuesday in December.

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

Present officers to continue in office.

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

CAP.

CAP. LXI.

An Act to incorporate the District Agricultural Society for the Parishes of Blackville, Blissfield, and Ludlow, in the County of Northumberland.

Passed 3rd May 1853.

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

1. That Alexander M'Laggan, John Bergan, Thomas Ward Underhill, Thomas Dunphey, John DeCantillon, James Sangster Mitchell, Hiram Freeze, Moses Hovey, Miles M'Millan, Walter Richard Price, William M'Kay, James Lechmere Price, and all such other persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a body corporate, under the name and style of *The District Agricultural Society for the Parishes of Blackville, Blissfield, and Ludlow, in the County of Northumberland*, for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said Parishes, and for this purpose shall have and enjoy all general powers made incident to Corporations by Act of Assembly in this Province.

Company incorporated.

2. There shall be a general meeting of the members of the said Corporation, to be annually holden on the first Wednesday in January in each and every year, in the Parish of Blissfield, at which annual meeting there shall be chosen by a majority thereof, one President, three Vice Presidents, a Treasurer, a Secretary, and nine Directors, who shall continue in office one year, or until others are chosen in their room; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers.

A general annual meeting for election of officers to be held on first Wednesday in January.

3. The officers chosen at a general meeting of the said Society held at Blissfield, in the said County of Northumberland, for the current year, are hereby declared to be the officers of the said Corporation until the first Wednesday in January next, or until others are chosen in their stead.

Present officers to continue.

CAP. LXII.

An Act to incorporate the North West Bridge Company.

Passed 3rd May 1853.

WHEREAS it is proposed to construct a Bridge across the North West Branch of the River Miramichi, on the Great Road between Fredericton and Restigouche: And whereas a Bridge is greatly required and would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing to construct the said Bridge, and grant them all necessary privileges for that purpose, and for maintaining the same;

Preamble.

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

1. That David Crocker, Richard Hutchison, William Loch, Robinson Crocker, Michael M'Kenrick, Edward R. Whitney, Thomas W. Underhill, John Begnal, Alexander M'Laggan, Peter Mitchell, Daniel Witherall, William A. Black, Edward Williston, Rowland Crocker, Miles M'Millan, William Parker, Allan A. Davidson, Henry B. Allison, George Kerr, Oliver Willard, Thomas Little, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of *The North West Bridge Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly.

The North West Bridge Company incorporated.

- Capital to be £3,000, divided into six hundred shares.
- Time and calling of first meeting to choose Directors.
- An annual meeting for choosing Directors and other business to be held on third Tuesday in January.
- Appointment of President, Secretary, &c. Quorum.
- Proviso for failure to meet.
- Power to make bye laws, prescribe duties, and regulate transfer and votes.
- Joint stock and property liable for the debts.
- Authority to build and maintain a bridge across the North West River.
2. The capital stock of the said Corporation shall be three thousand pounds, and shall be divided into six hundred shares of five pounds each, to be paid at such times and in such instalments as the business of the Company shall require; and the Corporation shall when necessary have leave to extend the said capital stock to the sum of four thousand pounds, and shall have power to increase the number of shares accordingly, or assess such increase upon the original shares.
3. The first meeting of the Corporation shall be held in Newcastle on the third Tuesday in July next, and shall be called by David Crocker, or in case of his death, neglect, refusal or absence, by any five of the Company, by giving notice in the Gleaner newspaper at least fifteen days previous to such meeting, for the purpose of choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the concerns of the said Corporation.
4. The annual meeting of the Company shall take place on the third Tuesday in January in each and every year, and shall be held in the Town of Newcastle, for the purpose of choosing seven Directors, and transacting other business as hereinafter provided for; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at the first meeting after their election choose one of their number President, also a Secretary and such other officers as may be necessary to manage the affairs of the said Company; provided always, that no less than four Directors do form a quorum for the transaction of business, and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman on the occasion; and provided also, that in the event of the time of holding the annual meeting being found by the Company inconvenient, the stockholders shall and they are hereby authorised and empowered at any annual meeting to change the time of holding the same.
5. The Company at the first meeting, or some adjournment thereof, shall have power to make bye laws, rules and ordinances, prescribing the duties, powers and authorities of the Directors of the said Company, and for regulating the transfer, registry and forfeiture of shares, and the sale of forfeited shares, also the right of voting in respect to the number of shares held by each shareholder respectively, and for voting either personally or by proxy, and generally for the good order, conduct and government of the said Company, its affairs and business, as may be requisite and necessary.
6. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.
7. It shall and may be lawful for the Company, and their successors, officers and servants, and they are hereby authorised and empowered to design, erect, order and build, or cause to be built, and to complete, maintain, and keep in repair the said bridge across the North West River, between the Point and the lower side of Oxford's Cove, at such place there as may be deemed most advisable and fit for such bridge, and to dig and make proper foundations in the lands and grounds lying on each side of the said river, and to cut and level the banks of the said river in such manner as shall be necessary and proper for building the said bridge; and to cut, remove, take and carry away all and every impediment whatsoever, which may in any wise tend to hinder the erecting and completing the said bridge; and to execute all other things necessary and requisite, useful or convenient, for erecting, building, maintaining and supporting the said bridge according to the tenor and effect, true intent and meaning of the said

said Act; and further, that they may from time to time enter and go in and upon the lands and grounds adjacent to the said river, on either side thereof, for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said bridge; and further, they may explore, lay out, and make a road not more than four rods in width, leading from either end of the bridge to the highways in the Parishes of Newcastle, Northesk, or Nelson, respectively; and further, for the purpose of erecting, building, maintaining, repairing and supporting the said bridge, the said Company shall from time to time have full power and authority to land on either side of the said river within two hundred yards of the said bridge, all materials and other things to be used in and about the same, and there to work and use such materials and things according as they the said Company, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants of the property on which such bridge and every part thereof shall be built, or in and upon which such surveys, examinations or other arrangements may be made, or through which such roads may be explored, laid out, worked and made, or on which such materials and other things shall be landed, worked or used, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to the respective owners or occupiers of all lands and grounds, tenements and hereditaments which shall be and are occupied, altered, damaged, spoiled, taken or made use of by means or for the purposes of this Act; provided always, that the said Company shall in the erection of the said bridge, erect, build, and complete in a good, substantial and efficient manner in the said bridge on the channel side of the said river, a draw not less than thirty feet in width, to be drawn on all occasions when required for the free passage of vessels of every description navigating the said river, without hinderance or impediment from the erection of the said bridge.

Authority to go on adjacent lands and lay out a road, &c.

A draw not less than thirty feet to be left on the channel side of the river.

8. The said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken and occupied, altered, damaged or spoiled by means of, and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements and hereditaments; and in case of disagreement between the said Corporation and the said owners and occupiers, or any of them, then such compensation or satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon the application of the said Corporation, to appoint the third arbitrator, and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private lands shall decline making any such agreement, or appointing such arbitrator, then and in every such case, the said Corporation shall make application to the Supreme Court of this Province, or some Judge thereof, stating the grounds of such application; and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County not interested, and in case of the said Sheriff and Coroner being both interested, then to some other person or persons

Compensation to be made for lands, &c., taken, occupied or damaged.

In case of disagreement the amount to be settled by arbitrators or by a Jury empanelled under the authority of the Supreme Court.

persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a jury of five freeholders within the said County, who may be altogether disinterested, which jury upon their oaths (all which oaths as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer) shall inquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the award, inquisition or verdict of such jury shall be retained and filed in the Office of the Clerk of the Pleas in the said Supreme Court, and shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceedings to be taxed and allowed by the said Supreme Court, or one of the Judges thereof, shall be borne by the said Corporation, and shall be by them paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid.

Authority to erect gates and demand tolls.

Rate.

9. The said Company shall erect and set up, or cause to be erected and set up, one or more gate or gates, turnpike or turnpikes, in, upon and across the said intended bridge, or within twenty yards thereof, together with toll houses and proper necessary buildings, conveniences and fences near to each gate or turnpike across the said intended bridge, or on the road or avenue immediately communicating therewith, and within twenty yards of the said bridge; and the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint as toll gatherer, for each and every time of passing over the said bridge, that is to say:—For every foot passenger, not to exceed four pence; for every horse, mare, gelding, mule, or ass, not exceeding four pence; for every carriage drawn by one horse or beast of draught, with one person, not to exceed one shilling; for every horse or beast of draught more than one, drawing a carriage, not to exceed four pence; for every person more than one, with a carriage, not to exceed four pence; for neat cattle, not to exceed two pence each; for sheep, calves or hogs, not to exceed one half penny each; provided always, that no toll be exacted from children under five years of age; and the Company shall at all times by their bye laws regulate, alter and lessen the rate of tolls, when deemed advisable for the interest of the Company, but in no case exceed the rates herein specified; and at all times when the toll gatherer shall not attend to his duty, the gate or gates shall be left open; and the toll shall be collected in such manner as may be prescribed by the said Corporation; the rates of toll shall be fairly and legibly printed in large letters, and kept constantly exposed to the view of passengers.

Horses, beasts and carriages to walk over the bridge.

10. No horse or other beast, or carriage of any kind, shall be taken, rode or driven over the said bridge at a faster pace than a walk, on pain of a forfeiture of twenty shillings for each and every offence, to be recovered with costs of prosecution against the owner or driver of such horse or other beast, before any Justice of the Peace of the County, on the complaint of the toll gatherer or any proprietor of stock in the said Company, on proof of the toll gatherer or any hereby declared to be a competent witness, or any other legal proof; the amount when recovered to be applied to the use of the said Corporation.

Penalty for evading the payment of toll.

11. Any person who shall run or evade the payment of toll from crossing the said bridge, shall forfeit and pay for the use of the said Corporation the sum of ten shillings for each and every offence, to be recovered, together with the toll and costs of suit, as is directed in the last preceding section of this Act. 12.

12. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, damage, throw down or destroy any of the works to be erected or made by virtue of this Act, any such person shall be adjudged guilty of felony; and every such person so offending, and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony by the laws of this Province.

Penalty for malicious injuries to the works.

13. No toll whatever shall be demanded or taken for any horse, beast, cattle or carriage of whatever description, employed or to be employed in conveying, fetching or guarding Mails of letters and expresses, under the authority of Her Majesty's Postmaster General, or the duly authorised Post Office authorities in this Province, or of the Provincial Government, either when employed in conveying, fetching or guarding the same; or for any soldiers upon their march, or upon duty, or for any horse, cattle or carriages, attending them with their arms and baggage, or returning after having been so employed, nor for any wagon, cart or other carriage whatsoever, or the horse or horses, or other cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat or other public stores, of or belonging to Her Majesty's service; and no poor, or other rates or taxes, shall be assessed or levied upon the said Company, for or on account of the said bridge and its appurtenances.

Cattle and carriages with mails, Soldiers on their march, and Ordnance stores, &c., exempted from tolls.

14. The Directors shall at the general annual meeting of the Company in each and every year, lay before the stockholders for their information, an exact and particular statement of the state of the affairs and business of the said Company, agreeably to the several regulations of this Act, so as the same may contain a true account of the whole affairs of the said Company; which statement shall be signed by the Directors, and attested by the Secretary.

Statement of the Company affairs to be laid before the Directors at the annual-meeting.

15. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of law or equity, having competent jurisdiction, and to recover the same, with lawful interest, from the day on which such assessment was payable, with costs of suit.

Shareholders failing to pay the assessments may be sued.

16. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, [state the number of shares] and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more, [state the number and amount of such assessments] by means of which an action hath accrued to the said Company by virtue of this Act.

Declaration in suit.

17. On the trial or hearing of such action or suit, it shall be sufficient to prove that the defendant, at the time of making such assessment, was a holder of one share or more in the said undertaking, and that such assessment was in fact made, and it shall not be necessary to prove any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

Proof.

18. Should the Provincial Government, at any time after the passing of this Act, be willing and desirous of assuming the said bridge, and placing the same upon the great road establishment of the Province, for the free passage of all Her Majesty's subjects, and pay to the said Corporation the whole costs and outlay in and about its erection and maintenance, then and in such case the said Corporation

Bridge may be assumed by the Provincial Government on payment of cost, &c.

ration shall yield and surrender up to the said Provincial Government the said bridge, with all things appertaining thereto, together with this Act, and such Corporation, from that time, shall cease and have no longer any existence.

Act to be null if bridge be not completed in three years.

19. If the said Company shall not within three years from and after the passing of this Act, complete the said Bridge, or so as to make the same passable for horses and carriages, then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

CAP. LXIII.

An Act to incorporate the Courtney Bay Bridge Company.

Passed 3rd May 1853.

Preamble.

WHEREAS it is proposed to construct a Bridge across the sand flats of Courtney Bay, in the City and County of Saint John, from some place or point in the said City fronting on the said Bay, across the same to some place or point on the opposite side, in the Parish of Simonds: And whereas such Bridge would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing at their own costs and charges to construct the said Bridge, and grant them all necessary privileges for maintaining the same;

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

The Courtney Bay Bridge Company incorporated.

1. That Henry Chubb, Isaac Woodward, Thomas M'Avity, William Hawkes, Thomas Davidson, William O. Smith, John M. Robinson, Gregory Vanhorne, John M. Walker, George V. Nowlin, their associates, successors and assigns, shall be and they are hereby erected into a body politic and corporate, by the name of *The Courtney Bay Bridge Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of Assembly.

Capital to be £2,000.

2. The capital stock of the Company shall be twenty thousand pounds, and shall be divided into four thousand shares of five pounds each, to be paid in at such times and in such instalments as the business of the Company shall require; and the Company shall also when necessary have leave to extend the capital stock to forty thousand pounds, and to increase the number of shares accordingly, or to assess such increase upon the original number of shares.

First meeting of the Corporation to establish bye laws and choose Directors.

3. The first meeting of the Corporation shall be held at the City of Saint John, and shall be called by Henry Chubb, Esquire, or in case of his death, neglect or refusal, by any two of the persons named in the first section, by giving notice in one or more of the public newspapers printed in the City, at least twenty days previous to such meeting, for the purpose of establishing bye laws and choosing five Directors for the management of the affairs of the Company; which Directors 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 Company, subject to the provisions hereinafter contained.

Directors to choose a President and appoint officers.

4. The Directors when chosen shall as soon as convenient, choose out of their number a President, and shall have power from time to time to appoint all such officers, servants, agents and other persons as they shall think fit for executing and carrying on the business of the Company, and to remove them or any of them at pleasure, and appoint others in their stead.

A general annual meeting to be held on first Tuesday in October, for choice of Directors.

5. A general meeting of the stockholders of the Company shall be held at the City of Saint John on the first Tuesday in October in every year, for the purpose of

of choosing five Directors, who shall remain in office for one year, or until others are chosen in their place; provided that not less than three Directors do form a quorum for the transaction of business; and in case of the absence of the President, the Directors shall appoint one of their number Chairman for the occasion.

Quorum.

6. No person shall be eligible as a Director unless such person is a stockholder and holds not less than twenty shares of the stock, and is of the full age of twenty one years.

Qualification of Directors.

7. The stockholders in the said Company shall vote according to the following scale:—For one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every five shares above thirty, and not exceeding sixty, one vote, making sixteen votes for sixty shares; and for every ten shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest that any shareholder shall be entitled to give; and absent stockholders may vote by proxy, provided such proxy be a stockholder, and produce sufficient authority in writing.

Votes of the stockholders regulated.

8. The shares of the Company shall be assignable and transferable, according to such rules and regulations as may be established by the Directors in that behalf; but no assignment or transfer shall be valid unless it shall be entered in a book to be kept by the Directors for such purpose; and in no case shall a fractional part of a share, or other than a complete share or shares, be assignable or transferable, and whenever any stockholder shall transfer in manner aforesaid, all his stock or shares in the said Company, he shall cease to be a member thereof.

Shares to be assignable.

9. If it should happen that the Directors should not be chosen on the said first Tuesday in October, in any year as aforesaid, it shall be lawful to choose them on any other day, on giving fourteen days notice of the time and place of a meeting to be held for such purpose, in one or more of the public newspapers of the City; and in case of any vacancy among the Directors, then the Directors may fill up the same by choosing one of the stockholders, who shall serve until another is chosen in his room.

On failure to choose Directors on first Tuesday in October they may be chosen at a subsequent meeting.

10. The joint stock and property of the Company shall alone, in the first instance, be responsible for its debts and engagements, and no creditor or person having any demand against the Company on account of any dealings, shall have recourse against the separate property of any stockholder in the same, except in case of deficiency, or when the joint stock of the Company shall fall short or not be equal to the payment of any debt or demand against the same, or upon *nulla bona* being returned upon any execution against the goods and chattels of the Company, that then and in either of such cases, the goods, 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 one half the amount of the share or shares or interest of such shareholders in the joint stock of the said Company, but no more; and that such amount, or so much as may be necessary to satisfy such debt or demand, shall and may be levied and seized by process of execution in the same suit in which such debt or demand may be recovered against the Company.

Liability of the stock and members of the Company for Corporation debts.

11. The Company shall 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 carrying on the business of the Company; and whenever any assessment shall be made by the stockholders, it shall be the duty of the President to give notice thereof in one of the public newspapers of the City, requiring payment of the

Company may assess the shares to carry on the business.

same

Delinquent shares-
may be sold.

same within thirty days, at the office or place of business of the Company; and in case of non-payment, the delinquent shares may be sold at public auction to the highest bidder, and after retaining the amount of assessment and interest on each share, and all expenses, the residue, if any, shall be paid over to the former owner; provided always, that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

Calling of general
and special
meetings.

12. All meetings of the stockholders shall be called by seven days at least public notice being given of the time and place in one of the public newspapers of the City; and special meetings may be called by the President under the authority of the Directors, or by shareholders representing not less than one thousand shares, upon giving the like notice.

Authority to build
and maintain the
bridge or roadway
across the flats of
Courtney Bay.

13. It shall be lawful for the Company and their successors, deputies, agents, servants, workmen and assistants, and they are hereby authorised and empowered to design, erect, order and build, or cause to be built, and to complete, maintain and keep in repair, a bridge or roadway of such design, form, materials, dimensions and construction as they shall think fit, across the sand flats of Courtney Bay aforesaid, from the City of Saint John to the Parish of Simonds, and at and from and to such points and places in the said City and Parish as they may deem most advisable and fit for such bridge or roadway, and to dig and make proper foundations and works on the lands and grounds lying on each side of the said Bay, for the towers, piers, abutments and other purposes of the bridge or roadway, and to cut and level the said lands and grounds as may be necessary, and to cut, remove and take away any impediment or obstruction which may in any wise tend to hinder the erecting and completing the bridge; and without any previous agreement with the owner or owners, tenant or tenants, occupier or occupiers thereof, to enter upon, use, occupy and appropriate so much of the said flats, lands and grounds as may be required for the site, construction and purposes of the said bridge or roadway, and to lay out, explore, survey and establish the line, course and position thereof, through and across the said flats, and also to connect the same by suitable roadways to the streets of the City, and the roads and highways of the said Parish of Simonds, on either side of the said Bay, and to execute all other things necessary and requisite, useful or convenient for erecting, building, maintaining and supporting the said bridge or roadway, according to the true intent and meaning of this Act, making such satisfaction nevertheless, as is hereinafter mentioned, to the respective owners or occupiers of all lands, grounds, tenements and hereditaments which shall be used, occupied, taken or appropriated by means or for the purposes of this Act; provided always, that in case it may be deemed necessary for the purposes of this Act, to use, occupy or enter upon any common lands of the City, or premises belonging to the Mayor, Aldermen and Commonalty of the City of Saint John, the previous consent and agreement of the said Mayor, Aldermen and Commonalty of the City of Saint John shall be had and obtained, and testified by some deed or instrument under their Common Seal; and provided also, that a sufficient draw or other means shall be placed and maintained in the said bridge or roadway to allow access to ships and vessels up and down the Creek, running through the said sand flats into the Harbour, at all suitable and reasonable times, and under proper regulations.

Authority to occupy
and appropriate
necessary lands.

Consent of the City
Corporation to be
had as to their
lands.

Authority to set up
gates or turnpikes,
and demand tolls.

14. The Company shall and may erect and set up one or more gate or gates, turnpike or turnpikes in, upon and across the said intended bridge or roadway, or within twenty yards thereof, together with toll houses and necessary buildings, conveniences and fences, near to each gate or turnpike across the said bridge or roadway,

roadway, or the street, road or avenue immediately communicating therewith; and the respective tolls following may be demanded and taken by such person or persons as the Company may appoint, for each and every time of passing over or upon the said bridge or roadway, that is to say:—For every foot passenger, not to exceed two pence; for every horse, mare, gelding, mule or ass, not to exceed one shilling; for every carriage drawn by one horse or beast of draught, with one person, not to exceed two shillings; for every horse or beast of draught more than one, drawing a carriage, not to exceed six pence; for every person more than one with a carriage, not to exceed two pence; for neat cattle, not to exceed four pence each; for sheep, calves or hogs, not to exceed one half penny each; children under five years of age to pass free.

15. It shall be lawful for any collector of tolls to stop and prevent the passage of any person neglecting or refusing to pay the said tolls, or any of them, or of the horse, beast, cattle, carriage or other thing, for or in respect of which the said tolls ought to be paid; and it shall be lawful for any such collector to seize and detain the goods and chattels of such person, or such horse, beast, cattle, carriage, or other thing; and in case the tolls shall not be fully paid or satisfied, with all reasonable costs and charges of making, detaining and keeping such distress within five days, the collector may sell the same, rendering the overplus, if any, after deducting such costs and charges of making, detaining and selling such distress, to the owner thereof.

16. If any dispute shall arise respecting the amount of tolls due, or the amount of such costs and charges, the collector or person distraining may detain the distress, or the money arising from the sale thereof, until the amount shall be ascertained by some Justice of the Peace of the City and County of Saint John, who on application, shall examine the matter on the oath or oaths of the parties, or other parties, and shall determine the amount of tolls, costs and charges due, which amount shall be paid to the collector before he shall be obliged to return the distress, or the overplus after sale.

17. The Company shall make and allow, and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken, used, occupied or appropriated for the purposes of this Act; and in case no agreement can be made by the Company and the respective owners of such lands, tenements and hereditaments, the Mayor of the City, or should he be a stockholder in the said Company, then and in such case any Judge of the Supreme Court, shall issue a warrant to the Sheriff of the City and County of Saint John, or in case of his being a party interested, then to the Coroner of the said City and County, and in case of his being interested, then to some person who may be disinterested, requiring him to summon a jury of twelve disinterested freeholders of the City and County, who shall set and appraise the damages sustained by such owner, on oath of the said jurors, and any witness or witnesses, to be administered by such Sheriff, Coroner or other person; and the jury shall also inquire and return in their verdict who are the owner or owners to whom such value and damages shall be paid.

18. The Sheriff, Coroner or other person, as the case may be, in holding such inquiry, shall be entitled to the same fees and invested with the same jurisdiction, powers and authority as such Sheriff would have in executing any writ of inquiry of the Supreme Court; and the jury shall be authorised in assessing the damages, to take into consideration the advantages which may accrue to such owner by the erection and establishment of the bridge, in diminution of such damages; and the amount assessed shall be returned with the name

Rate.

Passage of horses, &c., may be prevented for non-payment.

Seizures may be made.

Disputes as to amount of tolls to be settled by a Justice of the Peace.

Compensation to be made for land, &c., taken.

In case of disagreement amount to be ascertained by a Jury impanelled under the authority of the Supreme Court.

Fees of the Sheriff, &c.

Jury in assessing damages to consider accruing advantages.

or

or names of the owner or owners as aforesaid, and the inquisition, award or verdict of the jury shall be filed in the Office of the Clerk of the Peace of the City and County, and shall be final and conclusive between the parties; and the amount so assessed shall be borne by the Company and shall be paid by them within three months after the said inquisition, award or verdict shall be filed as aforesaid.

Penalty for malicious injuries.

19. If any person shall wilfully and maliciously break, damage, injure, throw down or destroy any of the works or materials of the Company, he shall be adjudged guilty of felony.

Mails, Soldiers and baggage, and Ordnance stores, &c., exempted from tolls.

20. No toll whatever shall be demanded or taken for any horse, beast, cattle or carriage employed in respect of the mails, or for any soldiers on duty, or for any horse, cattle or carriages attending them with their arms or baggage, or employed in the service of the Ordnance, Barrack or Commissariat Departments; and no rates or taxes for public charges shall be assessed or levied on the Company in respect of the bridge either in the City of Saint John or in the Parish of Simonds.

Directors to lay a statement of the affairs before the Company at each annual meeting.

21. The Directors shall at every general annual meeting lay before the stockholders an exact and particular statement of the then state of the affairs and business, which statement shall be signed by the Directors or the major part of them, and a duplicate thereof shall be transmitted to the Provincial Secretary for the information of the Government.

Shareholders may be sued for non-payment of assessments.

22. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the Company to sue such shareholder for the amount in any Court of law or equity having jurisdiction, and to recover the same with interest and costs.

Declaration in suit.

23. In any such action it shall be sufficient for the Company to declare that the defendant is the holder of one share or more in the said Company, [state the number of shares] and is indebted to the Company in the sum to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more [state the number, and amount of such assessments] by means of which an action hath accrued to the Company by virtue of this Act.

Proof.

24. On the trial or hearing, it shall be sufficient to prove that the defendant, at the time of making such assessment, was a holder of one share or more in the said undertaking, and that such assessment was in fact made, and it shall not be necessary to prove any other matter whatsoever, and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest and costs.

Plan, &c., of works, to be deposited at the offices of the Provincial Secretary and Common Clerk.

25. A plan and fully detailed description of the site and position of the road to be built under this Act, shall be filed in the offices of the Provincial Secretary and of the Common Clerk of the City of Saint John; and the site and position so selected shall be subject to the approval of the Lieutenant Governor in Council.

Act to be void if ten per cent. of the capital be not paid up, &c.

26. Unless at least ten per cent. of the capital stock of the said Company be paid in to the Treasurer of the said Company, and the work commenced according to the plan as herein specified to be filed, and as sanctioned by the Governor and Council, within three years, and fully completed within five years from the passing of this Act, then this Act shall be null and void.

CAP. LXIV.

An Act to incorporate the Nashwaaksiss and Fredericton Steam Ferry Boat Company.

Passed 3rd May 1853.

‘WHEREAS from the great increase of the population of the Parish of Preamble.
 ‘ Douglas and the surrounding country, the want of a sufficient Ferry
 ‘ to land at the upper part of Fredericton is much required ;’

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

1. That the Honorable F. P. Robinson, W. J. Bedell, Esquire, Stephen H. Company incor-
 Fowler, Beverly Robinson, Esquire, James S. Beek, James Pickard, Peter porated with
 M’Farlane, George Todd, Martin Mackay, and John M’Gibbon, their associates, powers incident to
 successors and assigns, be and they are hereby declared a body politic and Corporations.
 corporate, by the name of *The Corporation of the Nashwaaksiss and Fredericton*
Steam Ferry Boat 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 conducting a steam ferry across the River Saint
 John at the upper part of Fredericton, and for the construction of steam ferry
 boats, and necessary works therewith connected, and that the said Company, or
 the major part of them, shall from time to time, and at all times, have full power
 and authority to constitute, ordain, make and establish such bye laws and ordi-
 nances as may be thought necessary for the good rule and government of said
 Company, provided that such bye laws and ordinances be not contradictory or
 repugnant to the laws and statutes of the Province, or to such bye laws, rules
 and regulations relating to ferries within the limits of the City of Fredericton as
 are now made or may hereafter be made by the Mayor and Corporation of the
 said City of Fredericton.
2. The capital stock of the said Company shall consist of the sum of six Capital to be £600,
 hundred pounds, with power to increase to fifteen hundred pounds, and with power to
 shall be divided into shares of five pounds each, and be paid in such sums and increase the same.
 at such time or times as the Directors of the said Company shall from time to
 time appoint.
3. At any meeting to be for that purpose holden, five Directors (being members Choice and
 and stockholders of and in the said Corporation, to such an extent as by the laws authority of
 and regulations of the said Company may be provided,) shall be chosen, which Directors to serve
 Directors so chosen shall serve until the first annual meeting for the choice of until the first
 Directors, and shall have full power and authority to manage the concerns of the annual meeting.
 said Corporation, subject nevertheless to the laws and regulations which may
 from time to time be made by the said Company.
4. There shall be a general meeting of the stockholders and members of the An annual general
 said Corporation, to be annually holden at such time and place as by the laws meeting to be held,
 and regulations of the said Company may be appointed, at which annual meeting and Directors
 there shall be chosen five Directors, being members and stockholders of and in then chosen.
 the said Company to such an extent as by the laws and regulations of the said
 Company may be required, who shall continue in office for one year, or until
 others are chosen in their places.
5. The Directors of the said Company shall and may from time to time assess Directors
 on each share such sum or sums of money as shall be judged necessary for rais- authorised to
 ing a capital for the payment of any debts of the said Corporation, and for the assess the shares
 purchase of such real or personal property, and the building of any ferry boat or to raise money to
 boats, and also for the maintaining the same when built, and all other things carry on the
 whatsoever as may be deemed necessary for carrying on the business of the said Company affairs.
 Company ;

Company; which said sum or sums of money so to be assessed, shall be paid to the Treasurer of the said Company at such time or times, and by such instalments as shall be deemed requisite and proper, and may be directed thereby.

Liability for debts.

6. The joint property and stock of the said Company shall alone be responsible for the engagements and debts of the said Company.

Shareholders to be liable for the assessments, and may be sued for the same.

7. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made, (not however to exceed in amount the stock so subscribed for,) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Corporation, and recovered in any Court of Record within the Province.

Act to be void if one fifth of the capital be not paid up, &c., within specified periods.

8. Unless one fifth part of the said capital stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorised to administer,) shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

Limitation.

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

CAP. LXV.

An Act to incorporate the Narkawickac Boom Company.

Passed 3rd May 1853.

Preamble.

‘**W**HEREAS the erection of a Boom or Booms at or near the mouth of the Narkawickac River, in the County of York, will be beneficial to persons engaged in the lumber business, by enabling them to secure timber, logs and other lumber floating down the said River, and it is deemed expedient to incorporate a Company for that purpose;’

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

Company incorporated by the name of *The Narkawickac Boom Company.*

1. That John Guiou, John Manual, James Colter, Solomon M'Farlane, and William Calder, and their associates, successors and assigns, be and they are hereby declared to be a body corporate, by the name of *The Narkawickac Boom Company*, and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a boom or booms at or near the mouth of the said River Narkawickac, and any other necessary works on the shores thereof connected with such boom, for the more convenient collecting, securing and rafting timber, logs and other lumber floating down the said River, and for otherwise managing the operations of the said Company.

Capital to be £250.

2. The capital stock of the said Company shall be two hundred and fifty pounds currency, and shall be divided into fifty shares of five pounds each.

Calling of the first meeting.

3. The first meeting of the said Company, for the purpose of organizing the same, shall be called by John Guiou, or in case of his death, inability or refusal to act, by any two of the said Company, by giving twenty days notice of the time and place thereof, in a newspaper printed and published in the City of Fredericton, and also by notices to be posted up in two public places in each of the Parishes of Queensbury and Southampton, and the meeting shall be held at the time and place mentioned in such notice.

4. The subscribers for stock in the said Company shall, previous to the first meeting thereof, pay to such person as the persons named in the first section of this Act, or the majority of them, shall appoint, such deposit or instalment on the capital stock of the said Company, subscribed for by them, as the persons incorporated, or the majority of them, may determine, due notice being given at the time of the notice calling the first meeting of the Company of the time or several times when, and the place or places where, and the person to whom such deposit or instalment shall be paid.

Deposit to be made by each stockholder previous to the first meeting.

5. The deposit or instalment paid by any subscriber shall be taken and allowed as part of the capital stock required to be paid in under this Act, and any subscriber neglecting or refusing to pay the deposit or instalment pursuant to such notice, shall be incapable of voting at such first meeting of the said Company for the choice of Directors, or from otherwise taking any part in the proceedings thereof.

Deposit to be allowed as part of the stock.

6. The Company shall not be authorised to enter upon the lands of any person without the consent of the owner or occupier thereof.

No entry on lands without consent.

7. The boom or booms to be erected by the Company shall be kept open and in a proper state to receive timber, logs and other lumber floating down the River Narkawickac from the opening of the River in the spring until the first day of November in each year.

Booms to be open from early spring to 1st November.

8. The said Company shall be entitled to receive a sum not exceeding one shilling per ton for each ton of square timber, and a sum not exceeding three shillings and three pence per thousand for every thousand superficial feet of logs or other lumber floating or being in the said River which they may secure and raft in joints in a substantial manner, fit to be put in large rafts for transportation to Saint John, and which shall be ready to be delivered from the said boom to the owner or owners of such timber, logs or other lumber.

Rates of charge for services.

9. If any joints or rafts of timber, logs or other lumber shall run into the said boom or booms by accident or by the force of the current, the said Company shall protect such joints or rafts, and shall be entitled to receive therefor at the rate of three pence per ton for every ton of timber, and six pence per thousand for every thousand superficial feet of logs or other lumber.

Rates for rafts, &c., accidentally getting into the booms.

10. The said Company shall have a lien on all timber, logs and other lumber which may be rafted in the said boom in joints in the manner prescribed in the eighth section of this Act, or which may be carried into the said boom by accident and the force of the current, and the said Company may retain such timber, logs or other lumber, or a sufficient part thereof, until the charges for boomage are paid or secured.

Lien granted.

11. Any person wilfully injuring any such boom, or any of the works connected therewith, shall in addition to any liability to the said Company for any special damage sustained thereby, be liable to a penalty of five pounds, to be recovered by action of debt at the suit of the said Company, in any Court of Record in this Province.

Penalty for wilful injuries to the boom or works.

12. All questions of difference of any kind relating to the quantity of timber, logs or other lumber rafted by the said Company, or the mode of rafting the same, shall be submitted to the arbitrament of three persons indifferently chosen between the parties, and the award of them or any two of them shall be final and conclusive between the parties, and they shall also determine by whom and how the expenses of such reference shall be paid.

Differences as to the quantity of timber, &c., to be settled by an arbitration.

13. The said Company shall have power to levy and collect assessments upon the shares of stockholders from time to time, of such sums of money as may be required

Authority to assess the stockholders for funds to carry on the business.

Delinquent shares
to be sold at auction.

required for carrying on the business of the said Company; and whenever any such assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed in Fredericton, requiring payment of the same within twenty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of any such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least fifteen days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, may be sold to the highest bidder, and after retaining the amount of assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owners, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers; provided that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

Liability of the
Company and of the
individual stock-
holders for the
corporate debts.

14. The members and stockholders of the said Company shall be personally chargeable in proportion to the stock they respectively hold, with the payment of the debts of the said Company, or any damages sustained by any person from the default or neglect of the Company, their agents or servants, but no stockholder shall be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder, in addition to the stock then held by such stockholder, provided that nothing herein contained shall exempt the joint stock of the said Company from liability for the debts and engagements of the same.

CAP. LXVI.

An Act to incorporate the Lacoote Lake River Driving Company.

Passed 3rd May 1853.

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

Company incorpo-
rated by the name
of *The Lacoote
Lake River
Driving Company.*

1. William Todd, Junior, George A. Boardman, Henry S. M'Allister, Robert M. Todd, John M'Adam, George F. Todd, William T. Rose, H. F. Eaton, and Nehemiah Marks, their associates and successors, shall be and they are hereby constituted a body corporate, by the name of the *Lacoote Lake River Driving Company*, and shall have all the powers and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing and improving the west branch of Palphrey Brook from the mouth into Lacoote Lake, so called, to facilitate the driving of logs and timber thereon.

Authority to enter
on lands bordering
on the brooks, &c.

2. The said Company shall have power and authority by themselves or their superintendents and workmen, to enter in and upon and occupy for that purpose any lands bordering on said brook, as shall be necessary for constructing sluices, erecting dams, and making such other improvements on the said brooks, rivers or lakes as may be required to facilitate the driving of logs and timber thereon, doing no unnecessary damage thereto.

Authority to de-
mand tolls for
lumber passing
improved parts of
the brooks, &c.

3. The said Company, or such person or persons as they shall from time to time appoint as toll collectors, are hereby authorised to demand and receive toll of and from the persons having charge of any timber, saw logs or other lumber passing along the portion of the said brooks, rivers or lakes so improved; which tolls shall be regulated and established by the said Company, and confirmed by the Justices of the Peace for the County of York in General Sessions assembled; and the toll collectors shall be and they are hereby authorised not to permit the passage of any timber, saw logs or other lumber until the tolls fixed by the Company and

and so confirmed as aforesaid are first paid ; and provided any timber, saw logs or other lumber should pass along the portion of the said brooks, rivers or lakes so improved, and if the owner or owners thereof shall refuse or neglect to pay the tolls to be fixed by the provisions of this Act, then and in such case the said owner or owners shall be liable to double the amount of such toll ; provided always, that if one Nehemiah Marks, the owner of a large quantity of land bordering on the said west branch of Palphrey Brook, shall pay one third of the expense of clearing out that portion of said brook which runs through his said land, the said amount to be determined upon and fixed by the Justices of the Peace in and for the County of York in General Sessions, in case the parties cannot themselves agree upon the same, that then any timber or lumber taken off said land and placed on such brook and driven by the owner thereof, shall be exempt from the payment of any such tolls.

Special provisions
for Nehemiah
Marks.

4. The capital stock of the said Corporation shall be seven hundred and fifty pounds of the current money of the Province of New Brunswick, and shall be divided into sixty shares of twelve pounds ten shillings each, to be paid at such times and in such instalments as the business of the said Company shall require ; provided that twenty five per centum of the capital stock of the said Company, amounting to one hundred and eighty seven pounds ten shillings, shall be actually paid in and invested in the business of the said Corporation within two years after the passing of this Act ; and provided also, that the said Corporation shall not be entitled to purchase any property, real or personal, or incur any debts until said twenty five per centum of the said capital stock shall have been paid in.

Capital to be £750,
payable as herein
specified.

5. The first meeting of the said Corporation shall be held at Saint Stephen, and shall be called by William Todd, Junior, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in any paper printed in the County of Charlotte, or in the Royal Gazette, 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 provided ; provided always, and be it further enacted, that so soon as the said capital stock of seven hundred and fifty pounds shall have been paid in and expended for the purposes of this Act provided, it shall and may be lawful for the said stockholders, at any general meeting to be called for that purpose, to increase the said capital stock from time to time, in such sum or sums as they may deem expedient, to a sum not exceeding five thousand pounds, which additional capital stock shall be divided into shares of twelve pounds ten shillings each.

First meeting of the
Corporation for
choosing Directors
and other officers.

Capital may be
increased to £5,000.

6. A general meeting of the stockholders of the said Corporation shall be held on the first Monday in April in each and every year for the purpose of choosing five Directors and such other officers of the said Corporation as may be deemed necessary for their affairs ; which Directors so chosen shall remain in office for one year, or until others are chosen in their place, and shall at their first meeting after due election choose one of their number President of such Company ; provided always, that not less than three Directors do form a quorum for the transaction of business ; and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

Annual general
meeting for choos-
ing Directors and
other officers.

Appointment of
President.
Quorum.

7. No person shall be eligible as a Director unless such person is a stockholder, and holds not less than four shares of the capital stock of the said Corporation, and is of the full age of twenty one years.

Qualification of
Directors.

Votes of stockholders personally and by proxy.

8. The number of votes to which each stockholder shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the said stockholders are to be given, shall be in proportion of one vote for each share of stock, and absent stockholders may vote by proxy, provided such proxy be a stockholder, and produce sufficient authority in writing.

Shares to be assignable.

9. The shares in the said Corporation shall be assignable and transferable according to such rules and regulations as may be established in that behalf, but no assignment or transfer shall be valid or effectual unless entered or registered in a book to be kept for that purpose, and in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable, and when any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company he shall cease to be a member of the said Corporation.

Appointment of Directors, &c., when not done at the annual meeting.

10. If it should happen that the said Directors or other officers should not be chosen on the said first Monday of April in any year as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of ten in the forenoon and six in the afternoon of such day, on giving twenty days notice of such meeting by personal notice, or by notice in writing sent by mail, or by publication in any newspaper printed in the County of Charlotte; and in case any Director shall be removed by the stockholders for misconduct, neglect or maladministration, his place shall be filled by the stockholders, twenty days notice of the time and place of meeting for such purpose being first given as last aforesaid; and in case of any vacancy among the Directors by death, resignation, absence, or disqualification by sale or transfer of stock, then and in either such case the said Directors shall and may fill up such vacancy by choosing one of the stockholders, and the person so chosen by the stockholders or Directors shall serve until another is chosen in his stead.

Supply of casual vacancies.

Liability of the Company and of the individual stockholders for the Company's debts.

11. The joint stock and property of the said Company shall alone in the first instance be responsible for the debts and engagements of the said Company, and no creditor, or person or persons having any demands against the said Company for or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due or demand against the same, or upon *nulla bona* being returned on any execution issued against the goods and chattels of the said Company, then and in either 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 Company, but no more, and that 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 the said Company.

Shareholders liable to the Company for the amount of the stock.

12. Each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations of the said Company for which it is incorporated, and shall and may be sued for by the said Corporation, and recovered in any Court of Record within this Province.

13. All the shares in the said Company shall be numbered in progressive order, beginning at number one, and every member of the said Company shall have a certificate under the Seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate. Certificates of property in shares.

14. The said Company shall have power to levy and collect upon the shares from time to time, such sum or sums of money as shall be judged by such Corporation necessary for the payment of any debts of the said Corporation, and for the purchase of such real estate and personal property, and the erecting and building dams, sluices, and other things as may be deemed necessary and requisite for carrying on the business of the said Corporation; and whenever any assessment shall be made by the stockholders of the said Company, it shall be the duty of the Secretary or Agent thereof to give notice of such assessment in some newspaper printed in the County of Charlotte, or in the Royal Gazette, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Secretary or Agent the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Secretary or Agent to advertise all such delinquent shares by public auction, giving at least thirty days notice of the time and place of such sale, and all shares upon which the assessment is not then paid, with interest from the time when such assessment became due, shall be sold to the highest bidder, and after retaining the amount of assessment and interest due on the same, and the expense of advertising and selling the same, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold be made out and delivered to the purchaser or purchasers; provided always, that such assessment or assessments shall not in the whole exceed the amount of the capital stock appointed by this Act, or the capital stock to be increased as is hereinbefore directed; and also provided, that no assessment shall be made except by a vote of the stockholders, and a majority of all the shares. Authority to assess the shares for carrying on the business.

Delinquent shares to be sold by auction.

15. A special meeting of the said Company may be called by the Secretary or Agent, under the authority of the Directors, or of the stockholders representing not less than fifteen shares, thirty days notice at least of the time and place of such meeting being given in some newspaper published in the said County of Charlotte, or by personal notice, or by notice by mail as aforesaid. Calling of special meeting.

16. Provided always, and be it enacted, that unless twenty five per centum of the said capital stock shall be paid in for the purpose of this Corporation, and a certificate of such payment, signed and verified on oath by the said Directors, or a majority of them, before any Justice of the Peace, shall be filed in the Office of the Secretary of the Province before the expiration of three years next after the passing of this Act, the operation of this Act shall cease, and the existence of this Corporation terminated at the end of the said three years. Act to be void if 25 per cent. of the capital be not paid in, &c., within three years.

17. This Act shall continue and be in force until the first day of December which will be in the year of our Lord one thousand eight hundred and sixty six. Limitation.



Anno Decimo Quarto Victoriae Reginae.

CAP. XLI.

An Act to facilitate the construction of the European and North American Railway.

Passed 28th March 1851.

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

1. When the shareholders of the European and North American Railway Company shall pay in to their Treasurer at least the sum of ten thousand pounds sterling, and it shall be satisfactorily proved to the Lieutenant Governor in Council that such sum has been actually paid in, and is ready to be expended in the construction within this Province of the European and North American Railway, the Province Treasurer shall be authorised by the Lieutenant Governor in Council to subscribe on behalf of the Province for shares in the said Company to the like amount, and in payment therefor to deliver to the said Company special certificates of debt, to be called Debentures, bearing interest at a rate not exceeding six per cent. per annum, the principal money redeemable in thirty years; and so from time to time when it shall be satisfactorily proved to the Lieutenant Governor in Council that the sums theretofore subscribed and paid in by the shareholders of the said Company, and the proceeds of the Debentures previously delivered, have been expended in the construction of the said Railway, and that a further sum of at least ten thousand pounds sterling has been actually paid in by the shareholders, and is ready to be expended in like manner, the Province Treasurer shall be again authorised to subscribe on behalf of the Province for shares in the said Company to an equal amount with the sum so paid in and ready to be expended, and also to pay in full for such shares by a further delivery of Debentures; provided always, that the amount of shares in the said Company subscribed and paid for by the Province Treasurer in any one year shall not exceed one hundred thousand pounds sterling, and in the whole shall not exceed two hundred and fifty thousand pounds sterling.

2. The Debentures shall be in the form in the Schedule annexed; they shall be signed and sealed by the Lieutenant Governor, and countersigned by the Provincial Treasurer; they shall be numbered consecutively, beginning with number one, and shall be issued for such sums from one hundred pounds to one thousand pounds sterling, as may be deemed expedient; the interest thereon shall be paid half-yearly, either in London, New York or Saint John, at the option of the holder, who shall give to the Provincial Treasurer six months notice in writing at which of the places named he wishes to receive interest on the Debentures he holds; provided always, that whenever such interest is paid at New York, it shall be paid at the rate of four dollars and eighty cents for the pound sterling, and when at Saint John, at the rate of twenty four shillings currency for the pound sterling.

3. The principal money of such Debentures shall be paid in full at the end of thirty years to the then holders thereof, at the same places and on the like terms as the interest is made payable.

When the shareholders pay to their Treasurer £10,000 sterling, stock to a like amount to be taken by the Province, and Debentures delivered to the Company for the amount.

On further payments of £10,000 by the shareholders the like additional amounts of stock to be taken.

Limit.

Form, numbers, and amounts of Debentures.

Interest to be paid half yearly in London, New York or Saint John.

Debentures to be redeemed in thirty years.

Certificates of shares to be held as public property; but no control to be exercised or interest received.

Two Directors may be appointed by the Legislative Council and Assembly.

Application of dividends and disposal of shares.

Faith, credit and revenues of the Province pledged for the interest and principal of Debentures.

Act may be altered.

Suspending clause.

Form of Debentures.

4. The certificates of shares in the European and North American Railway Company to be from time to time delivered by the said Company to the Provincial Treasurer, shall be held by him for and on behalf of the Province, as public property; and while such shares are so held, no vote thereon shall be given at any meeting of the Company, nor shall there be any interference with or control over the management or business of the said Company on account thereof, by the Provincial Government; provided that the Legislative Council and Assembly may annually by joint Resolution appoint two Directors, in addition to the Directors to be annually elected by the stockholders, who shall have the same power and authority as any other Director chosen under the Act of incorporation; and no interest shall be paid to or claimed by the Province on such shares, in consideration of their having been paid for in full at the time of subscription.

5. The dividends arising from shares in the said Company held by the Provincial Treasurer, shall be applied towards the payment of interest on the said Debentures, and at the expiration of thirty years, when such Debentures become payable, the said shares, not before disposed of, shall be sold and disposed of, and the proceeds applied towards the payment of the same; and the faith and credit of this Province, and the ordinary revenues thereof, and the amount or proceeds of any special impost which may hereafter be levied and collected for the purpose of paying off such Railway Debentures and the interest thereon, shall be and are hereby declared pledged to any and every holder of the same for payment of interest as it becomes due, and for payment of the principal money at the expiration of the time limited for payment of the said Debentures, as they severally fall due; provided that there shall be no sale by the Province of any shares so held, below the par value, until after the expiration of ten years from the time of the first subscription for stock by the Province Treasurer.

6. This Act may be altered or amended during the present Session of the Legislature.

7. This Act shall not come into operation or be in force until Her Majesty's Royal approbation thereof be first had and declared.

SCHEDULE.

BRITISH NORTH AMERICA.

[L. S.]

Six per Cent. Stock of the Province of New Brunswick.

Certificate for £—— Sterling.

No. ——

This is to certify that there is due from the Province of New Brunswick to the holder of this Certificate, —— hundred pounds sterling, to be paid in London on the —— day of —— A. D. 188 , or in the Cities of New York, or Saint John, N. B., at the option of the holder, on six months previous notice being given by him to the Treasurer of the said Province.

This Certificate bears interest at the rate of six per cent. per annum, payable on presentment thereof half-yearly in London, on the —— day of —— and the —— day of —— in each year, or on the same days in the Cities of New York, or Saint John, N. B., at the option of the holder, on six months previous notice being given by him to the Province Treasurer of his desire to be paid interest at either of those places.

In testimony whereof, the Lieutenant Governor of the Province of New Brunswick, on behalf of the said Province, and by virtue of the authority vested in him by an Act of the General Assembly of the same, intituled *An Act to facilitate the construction of the European and North American Railway*, which Act has been approved and allowed by Her Majesty, has hereunto set his Hand, and affixed

affixed his Seal of Office, at Fredericton, in the Province of New Brunswick, this
 — day of —, A. D. 185 . (Signed)

Countersigned by the Provincial Treasurer.

[*This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council, dated the 15th day of June 1852, and published and declared in the Province the 14th day of July 1852.*]

CAP. XLII.

An Act further to facilitate the construction of the European and North American Railway.

Passed 30th April 1851.

- I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when the line of Railway contemplated by the Act of Assembly made and passed during the present Session of the Legislature, intituled *An Act to incorporate the European and North American Railway Company*, shall be surveyed and located, and a sum not less than one hundred thousand pounds shall actually have been expended towards the construction of the said Railway, it shall be lawful for the said Company, at their own proper costs and charges, and under the supervision of the Surveyor General of this Province, to survey and lay out all the ungranted Crown Lands contiguous to and within five miles of each side of the said line of Railway, in lots of one hundred acres or less, as the said Company may think most for the interest of the said Company; which said lands so surveyed, or any of them, the Lieutenant Governor, by and with the advice of the Executive Council, shall be and is hereby authorised to grant in fee simple to the said Company, or to any individual stockholder, as the said Company under their Seal may direct, free from any charge save and except the expense of survey as aforesaid; provided nevertheless, that such lands are to be held on the express condition, that unless five per cent. of the actual quantity so to be granted either to the Company or to individual stockholders, be brought into actual cultivation within five years from the date of the said grants respectively, then the said grants shall become forfeited, and the lands revert to and become reinvested in the Crown, as if no such grants had been made; provided also, that no one stockholder shall receive more than one acre of land for every one pound currency actually paid in by him to the said Company; provided also, that no Crown Lands which may be within five miles of the Saint Andrews and Quebec line of Railway, or within ten miles of the proposed line of Railway from Halifax to Quebec, shall be by virtue of this Act granted as aforesaid.
- II. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the Executive Government from granting Licences to cut Logs and Timber upon the Wild Lands coming within the meaning of this Act, or to prevent the Government from granting lands for actual settlement, until the actual survey has been made under this Act, or at any time to prevent the Government from making any equitable condition which the Government may deem right, in favour of squatters upon such lands, on the granting of the same.
- III. And be it enacted, That this Act shall be and continue in force for five years from the passing thereof, and no longer.
- IV. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation thereto be first had and declared.
- [*This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council, dated the 15th day of June 1852, and published and declared in the Province the 14th day of July 1852.*]

After a specified progress made in the construction of the Railway, the Company may survey, and Executive Government grant to the Company or their assigns, the Crown Lands contiguous to the line, to the extent of five miles on each side thereof.

Grants voidable for want of improvement.

Certain lands exempted.

Act not to preclude the granting of Licences to cut Timber, or grants to actual settlers, previous to the survey.

Limitation of Act.

Act suspended till H. Majesty's approbation be declared.



Anno Decimo Quinto Victoriae Reginae.

CAP. LXXXV.

An Act for establishing a Tender in all payments to be made in this Province, and for consolidating and amending the Laws relating to the Currency therein.

Passed 7th April 1852.

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

1. The unit of account in this Province shall be the Pound, equal to twenty shillings currency of the present currency, and shall be such that the pound sterling as represented by the British sovereign of the weight and fineness now fixed by the law of the United Kingdom of Great Britain and Ireland, shall be equal to, and any such British sovereign shall be legal tender for one pound four shillings and four pence currency; provided always, that all sums of money and accounts may be legally mentioned, described and stated either in dollars and decimal parts of a dollar, or in the present currency.

Unit of account to be a pound currency, making the British sovereign equal to 24s. 4d. currency.

Accounts may be legally stated in dollars or the present currency.

2. The eagle of the United States coined after the first day of July in the year of our Lord one thousand eight hundred and thirty four, and before the first day of March in the year of our Lord one thousand eight hundred any fifty two, and weighing ten penny weights eighteen grains troy, shall pass and be a legal tender for two pounds ten shillings currency.

United States eagle coined between 1st July 1834, and 1st March 1852, and of specified weight, to be a legal tender at £2 10s.

3. The gold coins of Great Britain and Ireland, or of the United States coined before the day last aforesaid, being multiples or divisions of those hereinbefore mentioned, and of proportionate weight, shall for proportionate sums pass current and be a legal tender to any amount by tale, so long as such coins shall not want more than two grains of the weight hereby assigned to them respectively, deducting one half penny currency for each quarter of a grain any such coin shall want of such weight; provided always, that in any one payment above the sum of fifty pounds, the person paying may pay or the person to receive may insist on receiving the said British gold coins by weight, at the rate of ninety four shillings and ten pence currency per ounce troy; and in like manner any sums tendered or to be received in the gold coin of the United States may be weighed in bulk as aforesaid, and shall be a legal tender at the rate of ninety three shillings currency per ounce troy, when offered in sums of not less than fifty pounds currency.

British gold coins, multiples or divisions of the sovereign, and of a specified weight, to be a legal tender by tale.

In payments of more than £50, payer or payee may determine British and United States gold by weight.

4. Such coins representing pounds currency, or multiples or divisions of pounds currency, as Her Majesty shall see fit to direct to be struck for the purpose, shall by such names and at such rates as Her Majesty shall assign to them respectively, pass current and be a legal tender in this Province; the standard of fineness of the said coins, when of silver or gold, being the same respectively as that now adopted for coins of the United Kingdom; and the intrinsic value of the said coins, when of gold, bearing the same proportion to that of the British sovereign as the sum for which they are respectively to pass current shall bear to one pound four shillings and four pence of the present currency, or to four dollars eighty six cents and two thirds of a cent; and the intrinsic value of such coins, when of silver or copper, bearing the same proportion to their nominal or current value which the intrinsic value of British silver or copper coins respectively bears to their nominal

Coins struck and named by Royal direction for Provincial currency, to be a legal tender in New Brunswick.

Standard of fineness and intrinsic value of such coins.

or

Legal tender of such gold coins.

Limit to tender of silver and copper coins.

Limit to silver as a tender for notes or obligations.

Governor in Council may extend this Act to United States gold coined on or after 1st March 1852, and found of fineness equal to the other coins.

Cost of obtaining and importing the coins may be defrayed from unappropriated Provincial moneys.

Tender in non-enumerated silver coins.

Circulation of such coins may be stopped by Proclamation.

Provisions of the Criminal Law relating to counterfeit coins extended to coins made current by this Act.

Interpretation of Act.

Lieut. Governor. Currency and current.

Singular and plural number.

Year of coinage and country.

or current value; provided always, that such gold coins shall be a legal tender to any amount by tale so long as they shall not want more than two grains of the standard weight to be assigned to them respectively by Her Majesty, subject to the same deduction for want of weight as is provided by the preceding section with regard to British and American gold coins, and shall also be a legal tender to any amount by weight in sums not less than fifty pounds currency, or two hundred dollars, at the same rate and on the same conditions as provided in this Act with regard to British gold coins; and provided also, that such silver coins shall not be a legal tender to the amount of more than two pounds ten shillings currency or ten dollars in any one payment, nor such copper coins to the amount of more than one shilling currency or twenty cents in any one payment; provided further, that the holder of the notes or obligations of any person or body corporate to the amount of more than two pounds ten shillings currency or ten dollars, shall not be bound to receive in such silver coins more than that amount in payment of such notes, if presented at one time, although each or any of such notes be for a less sum.

5. The Lieutenant Governor of this Province, with the advice of the Executive Council, may by Proclamation extend all the provisions of this Act having reference to the gold coins of the United States coined before the first day of March in the year of our Lord one thousand eight hundred and fifty two, to any gold coins of the said United States coined on or after the first day of March in the year last aforesaid, of the weight and denominations mentioned or referred to in this Act, which, having been assayed at the Royal Mint, shall have been found equal in fineness to the coins mentioned or referred to in this Act.

6. It shall be lawful for the Lieutenant Governor of the Province, with the advice of the said Executive Council, out of any unappropriated moneys, to defray the cost of obtaining and importing such quantity of the said coins respectively as the said Lieutenant Governor, with the advice aforesaid, shall from time to time think it for the interest of the Province to obtain and import.

7. All British silver coins not herein enumerated and now in circulation, shall be a legal tender for sums not exceeding two pounds ten shillings, at six shillings and one penny for the crown piece, three shillings and a half penny for the half crown, one shilling and two pence half penny for the fifth part of the crown, and seven pence farthing for the tenth part of the crown; provided always, that it shall be lawful for the Lieutenant Governor, by Proclamation in the Royal Gazette, to stop the circulation of the coins in this section mentioned, giving six months notice in such Proclamation for that purpose.

8. The provisions of an Act passed in the present Session of Assembly, intituled *An Act in addition to and in amendment of an Act relating to the definition of offences and the punishment thereof*, shall, so far as the same relate to counterfeit coin, extend to the coins mentioned in or made current by this Act, in the same manner and as fully in all respects as if those provisions were herein enacted.

9. The terms and matters following, wheresoever occurring or referred to throughout this Act, shall be understood as hereafter defined, unless it be otherwise specially provided, or there be something in the context repugnant thereto; "the Lieutenant Governor" shall mean the Administrator of the Government for the time being; "currency" and "current" shall mean current money of this Province at the time of the passing of this Act; persons or things used in the singular number shall include persons or things in the plural; and all descriptions of persons or things and words in the plural, shall be understood to be singular, unless otherwise provided for as aforesaid; the stamp of the year on each of the coins in this Act specified, shall establish the fact of the coinage at any time within that

that year, and the stamp on such coins of the country of such coinage, shall establish the fact of the same being the coinage of such country; and all the coins hereby made a legal tender shall be deemed to have the character of standard and weight, except where payments may be made by actual weight, unless objected to on that account, in which case the standard and weight must be ascertained.

Standard of fineness and weight.

10. The several Acts of Assembly following are hereby repealed:—An Act passed in the twenty sixth year of the Reign of His Majesty George the Third, intituled *An Act for establishing a Tender in all payments to be made in this Province*; an Act passed in the fifty eighth year of the same Reign, intituled *An Act in addition to an Act intituled 'An Act for establishing a Tender to be made in all payments in this Province;'* an Act passed in the fifth year of the Reign of His Majesty William the Fourth, intituled *An Act in addition to the Laws now in force for establishing a legal Tender in all payments to be made in this Province*; and an Act passed in the seventh year of the Reign of Her present Majesty, intituled *An Act to establish the value of certain British coins in this Province, and to amend the Acts relating to the establishment of a legal Tender*; provided always, that all payments or tenders of payments heretofore made, and all money transactions completed under any of such laws, shall be good and effectual notwithstanding such repeal.

Repeal of Acts

26 G. 3, c. 16,

58 G. 3, c. 23,

5 W. 4, c. 7,

7 V. c. 29.

Reservation.

11. This Act shall not be in force until Her Majesty's Royal approbation be first obtained, nor until a day thereafter to be fixed by Proclamation of His Excellency the Lieutenant Governor duly published in the Royal Gazette.

Suspending clause.

[*This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council, dated the 30th day of June 1852, and published and declared in the Province the 11th day of August 1852. The Proclamation referred to in Section 11, appointed the 1st day of October 1852, for the Act to come in force. It was first published in the Royal Gazette on 15th September 1852.*]

CAP. LXXXVI.

An Act in addition to an Act authorising the granting of a Tract of Land as a Mill Reserve to the Honorable John Robertson.

Passed 7th April 1852.

6 WHEREAS in and by an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to authorise the granting of a Tract of Land as a Mill Reserve to the Honorable John Robertson*, the Lieutenant Governor or Administrator of the Government for the time being was authorised, by and with the consent and advice of the Executive Council, by private sale to grant to the Honorable John Robertson, of Saint John, Merchant, his executors, administrators or assigns, a certain tract of land therein described, for the term of five years, which term is about to expire: And whereas it is deemed expedient to extend the said term;

Preamble.

10 V. c. 86.

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

1. It shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the consent of the Executive Council, to grant to the said Honorable John Robertson, of Saint John, his executors, administrators or assigns, the tract of land mentioned and described in the said recited Act, for a further term of two years, subject to the provisoes and conditions in the said Act contained, and subject also to such further charges per square mile, in addition to the rate of ten shillings per square mile prescribed by the said Act, as may be determined upon by the Executive Government for the time being; provided that such addition be not beyond the rate or rates to which Licences from the Crown are made subject from time to time during the continuance of this Act.

Governor in Council may extend Licence of Mill Reserve to the Hon. J. Robertson, for the further term of two years.

Act suspended till
Her Majesty's ap-
probation be had.

2. 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 30th day of June 1852, and published and declared in the Province the 11th day of August 1852.*]

CAP. LXXXVII.

An Act to incorporate the Albert Mining Company.

Passed 7th April 1852.

Preamble.

WHEREAS a Joint Stock Company has been formed for the purpose of opening and working Mines in the County of Albert, who have expended a large sum of money in mining operations, and in the purchase of lands, erection of buildings, and making other improvements in connection therewith: And whereas the better to enable the said Company to prosecute the said business, it is deemed advisable it should be incorporated;

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

The Albert Mining
Company incorpo-
rated.

1. That Edward Allison, Jonathan C. Allison, David Allison, William Cairns, John Cairns, Alexander Wright, Nathaniel Gould, and James Dowie, their associates, successors and assigns, shall be and they are hereby erected into a Company, and declared to be a body politic and corporate, by the name of *The Albert Mining Company*, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province, for the purpose of opening and working Mines in the County of Albert, and establishing all necessary works connected therewith, and for the convenient carrying on and managing the same.

First meeting to be
held at Hills-
borough after fifteen
days notice in the
Royal Gazette.

2. That the first meeting of the said Corporation, for the organization thereof, shall be held at Hillsborough, in the County of Albert, after fifteen days notice given in the Royal Gazette by one member of the said Corporation; provided that the corporate powers shall not be deemed to be conferred upon said Company until a majority of members present at a meeting called as aforesaid shall determine to accept this Charter.

Capital stock to be
£30,000, divided
into 1,200 shares.

3. The capital stock of the said Corporation shall consist of the sum of thirty thousand pounds of lawful money, to be paid at such times and in such portions as the business of the Company may from time to time require, and to be divided into twelve hundred shares of twenty five pounds each.

Responsibility for
debts and engage-
ments.

4. The joint stock and property of the Company shall alone in the first instance be responsible for the debts and engagements of the said Company; and no creditor, or person or persons having any demand against the said Company, for or on account of any dealings with the said Company, shall have recourse against the separate property of any shareholder on account thereof, except in case of deficiency, or when the joint stock of the said Company shall fall short or not be equal to the payment of any debt, due or demand against the same, that 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 Company, but no more.

Shareholders to be
liable to the extent
of their stock, to
carry on the
business.

5. That each and every shareholder in the said Corporation shall be held liable to the said Company for each and every call or assessment made (not however to exceed in amount the stock so subscribed for) for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry

carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Corporation, and recovered in any Court of Record within the Province.

6. So soon as the capital stock shall have been paid in and expended for the purposes of this Corporation, it shall and may be lawful for the said stockholders, at any general meeting to be for that purpose called, to increase the said capital stock from time to time, in such sums as they may deem expedient, to a sum not exceeding one hundred thousand pounds, and they shall have power from time to time to increase the number of shares accordingly, or from time to time to assess such increase upon the original number of shares, or to increase the capital by both assessments and increase of shares.

Capital may be increased.

7. The Company shall 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 carrying on the business of the said Company; and whenever any assessment shall be made by the stockholders of the Company, it shall be the duty of the Treasurer to give notice thereof in a newspaper printed and published in this Province, and also in the Royal Gazette, requiring payment of the same within thirty days; and if any stockholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Treasurer to advertise all such delinquent shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of such assessment and interest due on each share, and the expense of advertising and selling, the residue, if any, shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser; provided always, that no assessment shall be made except by a vote of the stockholders and a majority of all the shares.

Assessments on shares may be levied to carry on the business.

Delinquent shares to be sold.

8. If at any time it shall be deemed necessary by the said Corporation, their agents or servants, to enter upon the estate, lands or grounds, being the private property of any person or persons, for the purpose of carrying on their mining operations, they shall allow to the owners of such lands such reasonable compensation, by way of rent or otherwise, as may be agreed upon, for the damages such owner may sustain by reason thereof, and if the said Corporation shall not be able to agree with such owner or owners of the soil, as to the amount to be paid to the said owner or owners, for the damages he or they may sustain in consequence of such mining operations being carried on upon his or their land, then such compensation and satisfaction shall be determined by three disinterested arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose a third arbitrator, and in case of their not agreeing in such choice within ten days after their appointment, then and in such case it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, upon the application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the owners or occupiers of such private property shall decline making any such agreement or appointing such arbitrator, then and in every such case the said Corporation shall make application to the Supreme Court, or any Judge thereof, stating the grounds of such application, and such Court or Judge is hereby required from time to time, upon such application, to issue a writ or warrant in such form as the said

Right of entry on private property granted on payment of damages found by agreement, or assessed by arbitrators or a jury.

Court

Court or Judge may prescribe, to the Sheriff of the County of Albert, or in case he is interested, then to one of the Coroners of the said County, and in case the Sheriff and Coroners are all interested, then to some person or persons, commanding such Sheriff, Coroner, person or persons as the case may be, to summon and empanel a jury of five freeholders within the said County, who may be altogether disinterested, and do not reside within ten miles of the land in question, which jury upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer,) shall inquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the inquisition, award or verdict of such jury shall be returned and filed in the Office of the Clerk of the Pleas of the said Supreme Court, shall be final and conclusive between the parties; which amount so assessed as aforesaid, and the costs and expenses of such proceeding to be taxed and allowed by the said Supreme Court, shall be borne by the said Corporation, and shall be paid within thirty days after the said inquisition, award or verdict shall be filed as aforesaid, and until such payment shall be made the said Corporation shall not be entitled to enter upon the said land; and in case an annual rent shall be awarded, unless such rent is paid within thirty days after it falls due, the power to enter under the said award shall be deemed to be annulled and discontinued.

Certificate of £8,000 of capital having been paid in to be filed in the Provincial Secretary's Office before any debts be contracted.

9. Before the said Corporation shall contract any debts, a certificate shall be filed in the Office of the Secretary of the Province, verified by the oath of the Secretary or other principal officer of the Corporation, which oath any Justice of the Peace is hereby authorised to administer, to the effect that the sum of eight thousand pounds has been actually paid and expended for the purposes of the said Company, and unless such certificate be filed in manner herein directed, within three calendar months after the acceptance of this Charter, the corporate powers hereby conferred shall cease and become of no effect.

Act not to compromise rights in suit.

10. Nothing in this Act contained shall be construed to interfere with or compromise in any way the rights of the respective parties between whom suits are now pending, for any matter, cause or thing which has happened or been committed before the passing of this Act, any thing herein contained to the contrary notwithstanding.

Provisions of the 8th section limited to one square mile comprised in a certain Crown lease or licence.

11. Notwithstanding the provisions of the eighth section of this Act, the power and authority and provision contained in the said section, to enable the said Corporation to enter upon private property, shall only be deemed and taken to extend to the tract of wilderness land of one mile square, comprised in the Lease or Licence from the Crown made under the Great Seal of this Province to Peter Duffy and John Duffy, bearing date the eleventh day of January one thousand eight hundred and fifty, and registered in the Office of the Secretary and Register of this Province on the twelfth day of January one thousand eight hundred and fifty; nor shall this Act come into operation or be in force until Her Majesty's Royal approbation be thereto first had and declared.

Act suspended till Her Majesty's approbation be declared.

[This Act was specially confirmed, ratified, and finally enacted, by an Order of Her Majesty in Council, dated the 16th day of October 1852, and published and declared in the Province the 17th day of November 1852.]

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