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**ACTS**  
OF  
**THE GENERAL ASSEMBLY**  
OF  
**HER MAJESTY'S PROVINCE**  
OF  
**NEW BRUNSWICK,**  
PASSED IN THE YEAR  
**1851.**



**FREDERICTON:**

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

**MDCCCLI.**



## TITLES OF THE ACTS.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

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**Anno Regni Victoriae Britanniarum Reginae Decimo Quarto.**

**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; being the First Session of the Fifteenth General Assembly convened in the said Province.



THE  
ACTS  
OF  
THE GENERAL ASSEMBLY, &c.

CAP. I.

An Act in addition to the Law relating to Inland Posts.

*Passed 15th March 1851.*

**W**HEREAS by an Act passed at the last Session of the General Assembly, and therein designated "The Post Office Act," a Scale of Weights for Letters was by the sixth section thereof established, which does not conform in all respects with the scale of weights and charges for Letters and Printed Papers now established in the United Kingdom; and it is desirable that uniformity should, as far as possible, exist in that particular, and also that authority should be given for entering into Postal arrangements with the United States;

Preamble.  
13 V. c. 49.

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

1st. The Lieutenant Governor in Council may make such Orders as are necessary for causing the relative scale of weights and charges enumerated in the sixth section of "The Post Office Act," to correspond as far as may be with the relative scale of weights and charges now or hereafter to be established in the United Kingdom.

Weights and charges enumerated in 13 V. c. 49, s. 6, may be altered.

2nd. The Governor in Council shall have power and authority to carry into effect any Postal arrangements made with the United States, either separately for New Brunswick, or in conjunction with Canada, Nova Scotia, Newfoundland, and Prince Edward Island, or any or either of those Colonies.

Governor in Council empowered to give effect to Postal arrangements made with the United States.

3rd. Printed Books, Magazines, Reviews or Pamphlets, whether British, Colonial or Foreign, may be sent through the Post from this Colony to the United Kingdom, or from the United Kingdom to this Colony, or through the United Kingdom to or from this Colony and any other British Colony, whether the conveyance be by Packet or private Ship, under the regulations contained in the Schedule to this Act, at the following rates of postage:—

Printed Books, &c. may be sent through the Post Office at specified rates and under regulations in the Schedule.

For a single Volume not exceeding half a pound in weight, six pence sterling;

For a single Volume exceeding half a pound and not exceeding one pound in weight, one shilling sterling;

For a single Volume exceeding one pound and not exceeding two pounds in weight, two shillings sterling;

For a single Volume exceeding two pounds and not exceeding three pounds in weight, three shillings sterling;

And so on, increasing one shilling sterling for every additional pound or fraction of a pound.

4th.

Governor in Council empowered to make Orders to give effect to this Act.

4th. The Governor in Council may from time to time make such Orders as are necessary for carrying this Act into full effect; and may also make such other Orders as may be requisite for the transmission through the Post of Printed Books, Magazines, Reviews and Pamphlets, to and from other British Colonies and the United States without passing through the United Kingdom, in conformity, as far as may be, with the foregoing charges and scale of weights.

Orders published in the Royal Gazette to be deemed part of this Act.

5th. All Orders made by the Governor in Council and published in the Royal Gazette under the provisions of this Act, shall be deemed and taken as part of the same, and have the authority of law.

How Post Office Acts to be referred to.

6th. In all Orders made by the Governor in Council in pursuance of this or the first recited Act, or in contracts, legal proceedings, or otherwise however, it shall in all cases be sufficient to refer to and designate the said recited Act as "The Post Office Act of 1850," and this Act as "The Post Office Act of 1851."

Commencement and interpretation of this Act.

7th. This Act shall come into operation at the same time as "The Post Office Act of 1850," and all words used in this Act shall be interpreted in the same manner as in that Act prescribed.

This Act may be altered.

8th. This Act may be altered or amended during the present Session of the Legislature.

#### SCHEDULE.

Regulations for the transmission of Printed Books.

*Regulations as to the transmission of Printed Books referred to in Section 3 of the foregoing Act :*

1st. The charge shall be the same, whether the Printed Book, Magazine, Review or Pamphlet be posted or delivered at a Post Town on the Frontier or Sea Coast of the Province, or at a Post Office in the interior of the same.

2d. The postage shall in all cases be pre-paid; one third of the charge being considered as paid for British Inland rate; one third for Sea rate; and one third for Inland Colonial rate.

3rd. To prevent the inconvenience which might arise from a large quantity of Books being sent by one Mail, Postmasters shall have authority in cases of necessity to delay the dispatch of such Books until the dispatch of the next Mail after that by which they would have been sent in the usual course, at their option, for a period not exceeding one week.

4th. No Printed Book, Magazine, Review or Pamphlet shall be sent by any route which will entail the expense of transit postage on the Post Office Department.

5th. All Printed Books, Magazines, Reviews and Pamphlets sent through the Post, shall be subject in all respects to the same conditions and restrictions to which Newspapers are liable by "The Post Office Act of 1850."

#### CAP. II.

An Act to make further provision for the service of Non-Bailable Process.

*Passed 15th March 1851.*

Preamble.

‘ **W**HEREAS in and by the several Acts of Assembly regulating the service of Non-Bailable Process issuing out of the several Courts of Law in this Province, no sufficient provision is made for the case of persons carrying on business therein, who may have a place of business but no place of residence in this Province, or for persons who may have temporarily left the Province for the purpose of avoiding the service of Process;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where, after the passing of this Act, Non-Bailable Process shall be issued out of the Supreme Court of this Province, or any of the Inferior Courts of Common Pleas, against any person or persons carrying on business in this Province, who may have a place of business but no place of residence therein, the service of such Process may be effected by leaving a copy of the same, with the ordinary English notice thereunder written of the purport and effect of such Process, at the place of business of said defendant or defendants, with some Agent or Clerk or adult person in the employment of the defendant or defendants in such business, and known to the person serving the same as being an Agent, Clerk or person in the employment of the defendant or defendants in such business.

Service of Non-Bailable Process against persons carrying on business but having no residence in the Province.

II. And be it enacted, That the service of any Process issued out of the Supreme Court, or of any Inferior Court of Common Pleas, after the passing of this Act, against any person or persons who may have temporarily left or who may temporarily leave this Province for the purpose of avoiding the service of Process, may be made as provided in and by the first section of this Act, and as provided in and by the several Acts of Assembly making provision in lieu of personal service.

Service of Process against persons who have temporarily left the Province.

III. Provided always, and be it enacted, That no service of any Process made by virtue of this Act shall be deemed good service, unless the same shall have been made by the Sheriff of the County to whom the same shall have been directed, or his Deputy, nor without an affidavit by the party so serving the same, setting forth the facts, time and place of such service, and if under the second section of this Act, the reasons for believing that such defendant or defendants had left the Province to avoid service of Process, and an order of a Judge of the Court out of which such Process issued, thereupon made, ordering such service to be deemed and taken as good service; and provided further, that nothing herein contained shall be construed to repeal any of the Acts of Assembly regulating the service of Process or any parts thereof otherwise than as the same may be inconsistent herewith.

Service under this Act to be made by the Sheriff or his Deputy, and affidavit made.

### CAP. III.

An Act relating to the competency of Witnesses in certain cases.

*Passed 15th March, 1851.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no person by reason of being rated, or liable to be rated, or otherwise, for rates and taxes in any City, County, Town or Parish within this Province, shall be deemed and taken thereby to be an incompetent witness in any case in which the Officers of such City, County, Town or Parish, or any one or more of them, acting for and on behalf of such City, County, Town or Parish, shall be a party, or where the said City, County, Town or Parish may in any manner be affected, nor in any case wherein a pecuniary penalty or any part thereof shall be given to the use of the Poor of such City, County, Town or Parish, or otherwise for the benefit or exoneration of such City, County, Town or Parish, or the inhabitants thereof.

No person to be an incompetent witness in certain public Suits by reason of his being rateable for taxes.

## CAP. IV.

12 V. c. 19.

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

Passed 15th March 1851.

Act 12 V. c. 19,  
continued.

**B**E 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 authorize the commutation of Debts due the Crown by Settlers in certain cases for work on the Public Roads*, be and the same is hereby 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 three.

## CAP. V.

An Act imposing Duties for raising a Revenue.

Passed 28th March 1851.

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

Duties granted for the use of the Province and the support of the Government.

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, That on and after the first day of April which will be in the present year of our Lord one thousand eight hundred and fifty one, there be and are hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the use of this Province, and for the support of the Government thereof, the several Rates and Duties described and set forth in the Table of Duties hereinafter contained, denominated *Table of Colonial Duties and Exemptions from Duties*, opposite to and against the respective articles in the said Table or Schedule mentioned, described, and enumerated, and according to the value, number or quantity of such articles therein specified, whether imported or brought into this Province either by Sea, Inland Navigation, or by Land, from any part of the British Empire, or from any Foreign Port or Place, or which may be saved from any Wreck or stranded Ship or Vessel.

Duties to be in addition to any Duties otherwise imposed.

II. And be it enacted, That the several Duties hereinbefore imposed, and in the said Table or Schedule mentioned, shall be paid by the importer or importers of such articles respectively, and shall be held and taken to be in addition to and over and above any Duties which are or may be imposed, and collected by and under the authority of any other Act or Acts of the General Assembly of this Province, passed or to be passed, or now or hereafter to be in force, and shall be collected and secured by means of and under the regulations and penalties, and shall be drawn back on exportation, or warehoused, in the way and manner provided by any Act or Acts of the General Assembly for collecting the Revenue of this Province.

Warehoused Goods on which Duties have not been secured, to be liable to Duties imposed by this Act.

III. And be it enacted, That all Goods which shall have been warehoused in this Province before this Act comes into operation, and which shall remain so warehoused after the operation thereof commences, and on which the Provincial Duties heretofore imposed have not been paid or secured by a subsisting or continuing security, shall, in lieu of all former Duties, become liable to and be charged with the Duties hereby imposed on the like Goods, which Duties shall be paid at the time of taking such Goods out of the Warehouse.

IV.

IV. And be it enacted, That when any articles shall have been warehoused, or on which Duties shall have been paid under this or any other previous Act, shall be exported for the use of the Deep Sea or Whale Fisheries, the amount of such Duties shall be repaid to the exporter by the Treasurer or Deputy Treasurer, or the Warehouse Bond cancelled, on affidavit (of the exporter) of the same having been so exported for the use aforesaid. Duties to be repaid &c., on Goods exported for the Deep Sea Fisheries.

V. And be it enacted, That all the Duties by this Act imposed, shall be collected, paid and received according to the Weights and Measures now in use in this Province; and that in all cases where the said Colonial Duties are in this Act imposed according to any specific quantity or any specific value or number, the same shall be deemed to apply in the same proportions to any greater or less quantity, value or number. Duties to be paid according to the Weights and Measures in use.

VI. And be it enacted, That Ship Biscuit, Salted Beef and Pork, duly warehoused at any Port or place within this Province, may be delivered out of such Warehouse to be shipped as Stores for every Ship or Vessel of the burthen of fifty tons and upwards, bound on a Voyage to any Port or place out of this Province, the probable duration of which out and home will not be less than thirty days; provided always, that such Biscuit, Beef and Pork shall be borne upon the Ship's Clearance, and that due proof, on affidavit, shall be made to the Treasurer or Deputy Treasurer, that the articles required are requisite and necessary for the Voyage upon which such Vessel is intended to proceed. Ship Stores may be delivered from the Warehouse to be shipped as such.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present or any future Session of the Legislature. Act may be amended.

VIII. And be it enacted, That this Act shall continue and be in force until the thirty first day of December which will be in the year of our Lord one thousand eight hundred and fifty four. Limitation.

*Table of Colonial Duties and Exemptions from Duties.*

ARTICLES SUBJECT TO DUTY.

*Specific.*

✓	Apples, per bushel, ....	£0	0	6	Articles liable to and exempted from Duty.
✓	Axes, each, of three pounds weight and upwards, ....	0	1	6	
✓	Butter, per hundred weight, ....	0	9	4	
✓	Beans and Peas, per bushel, ....	0	1	6	
✓	Barley, per bushel, ....	0	0	6	
✓	Barley Meal, per hundred weight, ....	0	2	0	
✓	Buckwheat, per bushel, ....	0	0	6	
✓	Buckwheat Meal, per hundred weight, ....	0	2	6	
	Candles of all kinds, except Sperm and Wax, per pound, ....	0	0	1	
	Sperm and Wax, per pound, ....	0	0	4	
✓	Cattle of all kinds over one year old, each, ....	2	0	0	
✓	Cheese, per hundred weight, ....	0	14	0	
	Cider, per gallon, ....	0	0	3	
	Clocks or Clock Cases of all kinds, each, ....	0	15	0	
	Coffee, per pound, ...	0	0	1½	
✓	Coals, per ton, ....	0	1	0	
	Chairs, per dozen, (in addition to any Duty imposed on Chairs and parts of Chairs by this Act,) ....	0	10	0	
✓	Corn Meal, per barrel of 196 lbs. ....	0	1	0	
✓	Fruit, dried, per hundred weight, ....	0	9	4	
✓	Horses, Mares and Geldings, each, ....	2	0	0	
	Lard,				

Articles liable to  
and exempted from  
Duty.  
*Continued.*

	£0	0	1
Lard, per pound, ....			1
Leather,			
Sole, Upper Leather, Harness and Belt Leather, per pound,	0	0	2½
Sheep Skins, tanned and dressed, per dozen, ....	0	3	0
Calf Skins, tanned, per dozen, ....	0	6	0
Malt Liquors of every description, (not being <i>aqua vitæ</i> , otherwise charged with Duty,) whether in Bottles or otherwise, per gallon,	0	0	6
Meats, Fresh, per hundred weight, ....	0	9	4
Salted and cured, per hundred weight, ....	0	7	0
With an additional Duty of one shilling and two pence per hundred weight on and after the 1st day of April 1852, and a further increase of Duty of one shilling and two pence per hundred weight on and after the 1st day of April 1853.			
Molasses and Treacle, per gallon, ...	0	0	1
Oats, per bushel, ....	0	0	3
Oatmeal, per barrel of 196 lbs. ....	0	2	4
Rye, per bushel, ....	0	0	2
Rye Flour, per barrel of 196 lbs. ....	0	1	0
Soap, per pound, ....	0	0	½
Spirits and Cordials, viz :			
Brandy, per gallon, ....	0	3	4
Rum, for every gallon thereof of any strength under and not exceeding the strength of proof of 26 by the Bubble, ....	0	1	0
And for every Bubble below 26 in number, by the Bubble, an additional, per gallon, ....	0	0	1
Lemon Syrup, per gallon, ....	0	1	0
Gin, Whisky, and all other Spirits, (not hereinbefore enumerated,) per gallon, ....	0	1	6
Sugar, Refined, in Loaves, per pound, ....	0	0	1½
Refined Crushed, and White Bastard, per hundred weight, ....	0	9	4
Of all kinds, except Refined Crushed, and White Bastard, per hundred weight, ....	0	6	0
Tea, per pound, ....	0	0	2
Tobacco, manufactured, except Snuff and Cigars, per pound, ....	0	0	1½
Wines, per gallon, ....	0	2	6
And on every hundred pounds of the true and real value thereof, in addition, ....	10	0	0
Wheat, per bushel, ....	0	0	2
Wheat Flour, per barrel of 196 lbs. ....	0	3	0

*Ad-valorem.*

On the following Articles, for every One hundred Pounds of the true and real value thereof, viz:—

<p>Anchors ; Ashes ; Barilla ; Burr Stones ; Canvas ; Cordage, except Manilla Rope ; Chain Cables and other Chains for Ships' use ; Cotton Wool and Cotton Warp ; Copper and Patent Metal in Sheets, Bars and Bolts, for Ship Building ; Dye Wood ; Felt ; Hemp, Flax and Tow ; Hides, green and salted ; Iron in Bolts, Bars, Plates, Sheets, and Pig Iron ; Oakum ; Ores of all kinds ; Pitch ; Sails and Rigging for new Ships ; Sheathing Paper ; Silk Plush for Hatters' purposes ; Tallow ; Tar ; Tobacco, unmanufactured ; Wool ;</p>	}	<p>1 0 0</p>
		On

Articles liable to  
and exempted from  
Duty.  
*Continued.*

On the following Articles, for every One hundred Pounds of the true and real value thereof, viz:—

Bread and Biscuit; Bricks; Manilla Rope; Ready Made Clothing;	£10	0	0
Castings, viz:—Steam Engines and Boilers, and parts thereof; Mill Machinery; Ships' Castings; Composition Rudder Braces, &c.; Machinery of every description; Square Stoves, known and designated as Canada Stoves;	7	10	0

On the following Articles, for every One hundred Pounds of the true and real value thereof, viz:—

Boots, Shoes, and other Leather Manufactures; Chairs and prepared parts of or for Chairs; Clock Wheels, Machinery and Materials for Clocks; Household Furniture, (except Baggage, Apparel, Household Effects, Working Tools and Implements, used and in use of persons or families arriving in this Province, if used abroad by them, and not intended for any other person or persons, or for sale); Looking Glasses; Oranges and Lemons; Whale Oil, (except the return Cargoes of Vessels fitted out for Fishing Voyages from Ports in this Province); Brushes; Hats and Hat Bodies; Piano Fortes; Snuff and Cigars;	20	0	0
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Carriages, Wagons, Sleighs and other Vehicles; Veneer and other Mouldings for Looking Glasses, Picture and other Frames, made of Wood; Wooden Wares of all kinds; Matches; Corn Brooms; and all Agricultural Implements except Ploughs;	30	0	0
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Iron Castings, viz:—Cooking, Close, Box and Round Stoves, and parts thereof; Apparatus for Cooking Stoves; Franklin Stoves, Register Grates, Fire Frames, and parts thereof; Kitchen Ranges, Boilers, Cast Iron Furnaces, and parts thereof; Cast Iron Ploughs;	15	0	0
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And all other Goods, Wares and Merchandize, not herein otherwise charged with Duty, and not hereafter declared to be free from Duty, for every One hundred Pounds of the true and real value thereof;	7	10	0
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All articles, of which any component part or parts is or are subject to Duty, to be liable to the highest rate of Duty to which any one of the said component parts will be liable under this Act.

ARTICLES EXEMPTED FROM DUTY.

Baggage, Apparel, Household Effects, Working Tools and Implements, used and in use of persons or families arriving in this Province, if used abroad by them, and not intended for any other person or persons, or for sale: Books, Printed: Carriages of Travellers, not intended for sale: Coins and Bullion: Corn Broom Brush: Indian Corn: Rice, ground and unground: Eggs: Manures of all kinds: Oil, Blubber, Fins and Skins, the produce of Creatures living in the Sea, the return of Vessels fitted out in this Province for Fishing Voyages: Oil—Seal, Cod, Hake, Porpoise, Palm, and Rape: Plants, Shrubs, and Trees: Printing Paper, Types, Printing Presses, and Printers' Ink: Rags, old Rope, and Junk: Rock Salt: Sails and Rigging saved from Vessels wrecked: Salt: Soap Grease: Wood and Lumber of all kinds, (except Cedar, Spruce, Pine and Hemlock Shingles): Block Tin: Zinc: Lead: Tin Plate: Bar and Sheet Steel: Lines and Twines for the Fisheries.

## CAP. VI.

An Act to establish places for Polling in the Parish of Wickham, in Queen's County.

Passed 23<sup>th</sup> March 1851.

11 V. c. 45, s. 5,  
and

13 V. c. 30, s. 1,  
in part repealed.

Polling place for  
Wickham, in  
Queen's County, to  
be near Archelaus  
P. Bulyea's.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That 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 said 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 Wickham, in Queen's County, for the purposes of the several Acts aforesaid, be and the same are hereby repealed.

II. And be it enacted, That the Polling place in the Parish of Wickham, in Queen's County, for the Election of Representatives to serve in General Assembly for the County of Queen's, 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*, shall be held at or near Archelaus P. Bulyea's, on the south side of the Washademoac Lake, in the said Parish of Wickham, in Queen's County.

## CAP. VII.

An Act to repeal the third Section of "An Act to grant a Bounty on the destruction of Bears and Wolves in this Province," and to make other provisions in lieu thereof.

Passed 23<sup>th</sup> March 1851.

11 V. c. 24, s. 3,  
repealed.

To entitle to the  
Bounty, the nose,  
&c. of the Bear or  
Wolf to be pro-  
duced, and  
prescribed affidavit  
made.

**BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the third section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to grant a Bounty on the destruction of Bears and Wolves in this Province*, be and the same is hereby repealed; and in lieu thereof, that to entitle any person or persons to the reward of thirty shillings for killing a Wolf, or fifteen shillings for killing a Bear, as mentioned in the hereinbefore recited Act, he or they shall bring the nose or noses of the Wolf or Wolves, Bear or Bears, with a portion of the upper jaw or jaws cut from the head or heads of the said Wolf or Wolves, Bear or Bears, shewing the canine and molar teeth of respective animals for the killing of which the Bounty is claimed, to any one of Her Majesty's Justices of the Peace residing nearest to the place where the same may have been killed, and shall take and subscribe, or affix his ordinary mark, to the following oath, printed or written, that is to say:—

'I (or we) do swear that I (or we) did on the \_\_\_\_\_ day of \_\_\_\_\_ kill (or assist to kill) a Bear (or Bears, or a Wolf or Wolves,) at [describe the place as near as may be] in the Province of New Brunswick, and that the nose (or noses) now produced by me (or us) is (or are) the nose (or noses) of the Bear (or Bears, Wolf or Wolves,) so killed, for which the Bounty granted by Law is claimed, and that no other person has received the Bounty for the same.'

Which oath the said Justice is authorized and required to administer without any fee, and shall burn or otherwise destroy the nose or noses so produced before him, and shall also certify under his hand in the jurat of the said affidavit, that he verily believes the statements therein made to be true, and that he has burned or destroyed the said nose or noses, and shall deliver the said affidavit and certificate to the deponent or deponents.

Justice to certify  
his belief.

CAP.

## CAP. VIII.

An Act to alter and amend an Act, intituled *An Act to incorporate the New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province, and to regulate and provide for the same.* 13 V. c. 62.

Passed 28th March 1851.

**WHEREAS** it is deemed expedient to make the Grant allowed by the above mentioned Act to the New Brunswick Society for the encouragement of Agriculture, Home Manufactures and Commerce throughout the Province, to the extent of two hundred pounds, on similar terms as to County Agricultural Societies, and to alter the time for transmitting the proceedings of the said Society to the Provincial Secretary from the first Thursday in January to the second Wednesday in April following;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the second section of the above mentioned Act be and the same is hereby repealed. 13 V. c. 62, s. 2, repealed.

II. And be it enacted, That whenever the said Society shall make it appear by Certificate under the hand of the Treasurer of such Society, that a sum not less than twenty five pounds has been actually subscribed and paid to the said Treasurer by the Members of such Society, and the President of the said Society shall make application, enclosing the said Certificate to the Lieutenant Governor or Administrator of the Government for the time being, for aid in supporting the said Society, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to issue his Warrant to the Treasurer of the Province in favour of the Treasurer of the said Society, for treble the amount that shall have been so subscribed and paid as aforesaid; provided always, that the annual sum to be granted to the said Society shall not exceed the sum of two hundred pounds currency.

On Certificate of payment of not less than twenty five pounds to the Treasurer of the Society, a Warrant on the Provincial Treasury may issue for treble the amount, not exceeding two hundred pounds.

III. And be it enacted, That the time appointed by the third section of the above mentioned Act for transmitting to the Office of the Provincial Secretary a statement of the proceedings of the said Society, in relation to the expenditure of the moneys therein specified, be and the same is hereby altered from the first Thursday in January to the second Wednesday in April following in each year.

Time for rendering statement of proceedings altered to second Wednesday in April.

IV. And be it enacted, That this Act shall continue and be in force until the expiration of the Act to which this is an amendment and no longer.

Limitation.

## CAP. IX.

An Act to alter and amend the Act, intituled *An Act imposing Duties for raising a Revenue.* 14 V. c. 5.

Passed 9th April 1851.

**WHEREAS** it is considered expedient to repeal a clause contained in the Table of Colonial Duties and Exemptions from Duties in the Act of Assembly made and passed the present Session, intituled *An Act for imposing Duties for raising a Revenue;*

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the said recited Act as is contained in a certain clause of the Table of Colonial Duties and Exemptions from Duties, mentioned in the said recited Act, in the words following, that is to say:—"All articles of which any component part or parts is or are subject to Duty, to be liable to the highest rate of Duty to which any one of the said component parts will be liable under this Act," be and the same is hereby repealed.

Act 14 V. c. 5, in part repealed.

Act otherwise to remain in force.

II. And be it enacted, That every clause, matter and article contained in the said recited Act, save and except the words repealed by the first section of this Act, be and the same are hereby declared to be in full force and effect, any thing herein contained to the contrary thereof in any wise notwithstanding.

### CAP. X.

An Act imposing a Duty on Hacmatac or Juniper Knees, Roots and Foothooks exported from this Province.

Passed 30th April 1851.

Preamble.

WHEREAS it is deemed expedient to impose a Duty on Hacmatac or Juniper Knees, Roots and Foothooks on being exported from this Province;

Duty of two shillings imposed on each Hacmatac or Juniper knee, root or foothook exported.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of January next, there be imposed and there is hereby imposed a Duty of two shillings upon each and every Hacmatac or Juniper Knees or Roots and Foothooks shipped from this Province, to be collected under the provisions of the third, fourth, fifth, sixth, seventh and eighth sections of an Act, intituled *An Act relating to the collection of Duty on Timber and other Lumber.*

7 V. c. 18.

Limitation of Act.

II. And be it enacted, That this Act shall be and continue in force until the first day of April which will be in the year of our Lord one thousand eight hundred and fifty five.

### CAP. XI.

An Act in addition to and in amendment of the Acts now in force for the collection and protection of the Revenue of this Province.

Passed 30th April 1851.

Preamble.

WHEREAS it is necessary that some Legislative provision should be made for holding persons to bail who may be prosecuted for penalties that have or may hereafter be incurred by reason of offences against the Revenue Laws of this Province, and for simplifying the practice of the Court of Exchequer in Revenue cases, and to make other alterations and amendments to the Acts now in force for the collection and protection of the Revenue;

A Capias may be the first process in a suit for a penalty.

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

Defendant to give bail.

Officers having the execution of Capias or other process issued for breach of the Revenue laws,

II. And be it enacted, That when any Writ of Capias or other process shall issue out of any of the Courts aforesaid, directed to any Sheriff, Coroner, Bailiff, or other person having the execution of Capias or process, in any County or City and

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

to grant a special Warrant on application of the Treasurer, Deputy Treasurer, or the Attorney or Solicitor General.

Penalty.

II. And be it enacted, That all and every such Sheriff, Coroner, Bailiff, Under Sheriff, and other person so granting or making out such Special Warrant as aforesaid, shall be and they are hereby saved harmless, and indemnified against Her Majesty, Her Heirs and Successors, and against all and every other person and persons whomsoever, of and from all escapes of any person or persons who shall or may be taken by virtue of any such Warrant as aforesaid, which shall or may happen from the time of taking such offender or offenders till he, she or they shall be committed to the proper gaol or prison, or offered and tendered to the Gaol Keeper, or other person having charge of such gaol or prison, (who is hereby enjoined and required to receive every such person or persons so apprehended as aforesaid, and give a receipt for his, her and their body or bodies,) and of and from all actions, prosecutions, processes of contempt, and other proceedings for or by reason of such escape, any law, custom or usage to the contrary notwithstanding.

Indemnification of Officer granting a special Warrant.

IV. And be it enacted, That on filing any information for the recovery of any penalty or other matter in which the Crown is interested, where the prosecuting officers may deem it unnecessary to hold the defendant to bail, a Summons or Subpœna, in the form now in use, may issue in the first instance instead of a Capias; and if the defendant do not appear and plead to such information in twenty days after the return of such Summons or Subpœna, the service of such Summons or Subpœna being made to appear by the affidavit of the person serving the same in the usual manner, judgment by default may be signed for and on the behalf of the Crown, and an extent or extents, or other usual process, may thereupon issue in the usual manner, or such other proceedings may be had as if the Crown had obtained such judgment on appearance and plea.

On filing an information, a Summons may be issued instead of a Capias, and if defendant do not appear and plead, judgment by default may be signed and extent issued.

V. And be it enacted, That any action of debt, bill, plaint or information which shall be commenced, sued or prosecuted for any offence against any Act made or to be made relating to the Revenue of this Province, shall and may be dealt with, tried and determined in any County of the said Province; and if any such offence shall be committed, or any penalty or forfeiture incurred, or any seizure be made for breach of any such Acts, out of the body of any County in this Province, but within

Actions for offences against the Revenue laws may be tried in any County where laid in the bill, plaint or information.

within the limits of the said Province, such offence shall, for the purposes of prosecution, be deemed and taken to have been committed, and such penalties and forfeitures to have been incurred, and such seizures to have been made, in any County of this Province where the bill, plaint or information may lay the same; and it shall be sufficient to state in the said bill, plaint or information that any of such facts occurred in the said County where laid, without alleging the place where the same actually happened.

Valuation of goods seized, and claim, if any, to be returned into the Office of the Clerk of the Crown.

Copy of information to be served on claimant or his attorney, with notice to appear and plead, which he may do on entering into recognizance.

Judgment of condemnation may be entered by default.

Averments in informations for seizures, &c.

Treasury Accounts to be closed annually on 30th Nov.

Prov. Treasurer to report to the Prov. Auditor any erroneous charges or omissions in the Accounts of the Deputy Treasurers.

Act 11 V. c. 2, in part repealed.

Deputy Treasurers may retain for their services 10 per cent.

VI. And be it enacted, That whenever any valuation of any goods or chattels seized under any Act relating to the said Revenue shall be made pursuant to the provisions of such Act, such valuation shall be forthwith returned in writing, together with the claim of the owner thereof, (if any made,) into the Office of the Clerk of the Crown, and no Writ of appraisement or proclamation shall be necessary, but a copy of the information for each seizure shall be served on the claimant or his attorney, with notice to appear and plead and prosecute his claim in twenty days, or judgment will be entered by default; and such claimant shall be at liberty so to do on entering into a recognizance to prosecute his claim for the amount required by law, himself and two sufficient sureties, in the ordinary form, before any Judge of the Court in which the same may be prosecuted, or Justice of the Peace, such sureties being first approved by the prosecuting officer, or Treasurer or Deputy Treasurer of the place where or near to which the penalty or forfeiture was incurred, or seizure made; which recognizance shall be forthwith delivered or transmitted to the prosecuting officer, or such Treasurer or Deputy Treasurer, to be filed in the Office aforesaid, and if such appearance, plea and recognizance be not entered within the time aforesaid, judgment of condemnation may be entered by default.

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

VIII. And be it enacted, That hereafter the Treasurer and Deputy Treasurers shall annually on the thirtieth day of November close the Accounts for the year, and the Deputy Treasurers respectively shall forward to the Treasurer on or before the tenth day of December in each year, their said Accounts, duly attested, with all necessary vouchers.

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

X. And be it enacted, That so much of the Act for the collection and protection of the Revenue as provides that Deputy Treasurers may retain for their services ten per centum upon all Duties collected by them under and by virtue of any law or laws of this Province, to the extent of three hundred pounds, as the maximum salary for any one year, be and the same is hereby repealed; and in lieu thereof, that from and after the passing of this Act, it shall and may be lawful to and for the several and respective Deputy Treasurers to retain for their services

for

for any one year, ten per centum upon all Duties collected by them respectively under and by virtue of any law or laws of this Province; provided always, that no Deputy Treasurer shall be authorized to retain for his services in any one year a larger sum than two hundred pounds.

XI. And be it enacted, That the salary of the Provincial Treasurer shall be five hundred pounds per annum and no more.

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

XIII. 'And whereas doubts have arisen as to the construction of the fortieth section of the said Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for the collection and protection of the Revenue of this Province;*' Be it therefore enacted, That from and after the passing of this Act, the words "Goods liable to forfeiture," mentioned in the said section of the said Act, shall apply to and be construed to mean not only goods liable to forfeiture from being prohibited, but to goods liable to forfeiture for nonpayment of Duties for being discharged or landed contrary to the provisions of any Act or Acts of the General Assembly now in force, or which hereafter may be in force relating to the Revenue of this Province.

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

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

XVI. And be it enacted, That any person or persons who shall or may be guilty of smuggling into this Province any goods, wares or merchandise subject to Duty, under any law of this Province, now or that may hereafter be in force, shall

of the Duties collected by them, not exceeding £200 in the whole for any one year.

Salary of the Provincial Treasurer to be £500.

Forfeiture of any ship or vessel with dutiable goods entering any other than a duly appointed port, except by stress of weather, &c.

Proviso for goods of innocent consignees

Meaning of the words "goods liable to forfeiture" in 11 V. c. 2, s. 40.

Governor in Council may make regulations for carrying goods coastwise, or for their removal for shipment.

Governor in Council authorized to establish a Coasting Trade.

Smuggling dutiable goods to be a misdemeanor, punishable by fine or imprisonment.

shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to be imprisoned for any term not exceeding twelve months, or to pay a penalty not exceeding one hundred pounds, at the discretion of the Court.

Tidewaiters,  
Preventive and  
Revenue Officers,  
to be sworn.

XVII. And be it enacted, That from and after the passing of this Act, the Tidewaiters, Preventive and Revenue Officers respectively employed in the Revenue and preventive service in this Province, are hereby respectively required to be sworn to the faithful discharge of their duty before the Treasurer or Deputy Treasurer of the port or place in which they shall be respectively employed; and such Treasurer or Deputy Treasurer are hereby authorized and empowered to administer the oaths of office by this section required to be administered as aforesaid.

Penalties under this  
or future Acts rela-  
ting to the Revenue  
may be sued for,  
&c., under 11 V.  
c. 2, s. 47.

XVIII. And be it enacted, That any and every of the penalties and forfeitures imposed under and by virtue of this or any Act or Acts hereafter to be made relating to the Revenue of this Province, may be prosecuted, sued for, recovered, levied and applied as provided in and by the forty seventh section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for the collection and protection of the Revenue of this Province.*

Limitation.

XIX. And be it enacted, That this Act shall continue and be in force until the thirtieth day of March which will be in the year of our Lord one thousand eight hundred and fifty eight.

### CAP. XII.

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

*Passed 30th April 1851.*

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province, for the services hereinafter mentioned, the following sums, viz:—

Chaplains.

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

To the Chaplain of the House of Assembly twenty pounds.

Sergeants at Arms.

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

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

Clerks of Council  
and Assembly.

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

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

Clerks Assistant of  
Council and As-  
sembly.

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.

Door Keepers and  
Messengers.

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

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

Parish Schools.

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.

To

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

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

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 one, viz: LIGHT HOUSES:

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

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

To the Keeper of the Light House on Point LeProe eighty five pounds: Point LeProe,

To the Keeper of the Light House on Partridge Island eighty five pounds: Partridge Island,

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

To the Keeper of the Beacon Light eighty five pounds: Beacon Light,

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: Machias Seal Island,

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

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

To the Commissioners of the 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 one, at the Light House on Point Escuminac. Point Escuminac.

II. And be it enacted, That all the before mentioned sums of money shall be paid by the Treasurer of this 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. Money to be paid by Warrants.

### CAP. XIII.

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

*Passed 30th April 1851.*

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of this Province, the following sums, to wit:— Money granted for miscellaneous services.

To Patrick Casey the sum of five pounds for three months services as Teacher ending sixteenth August one thousand eight hundred and fifty. TEACHERS:  
P. Casey,

To Susannah Rodgers the sum of nine pounds for six months services as Teacher ending first December one thousand eight hundred and fifty. S. Rodgers,

To Henry A. K. Brewster the sum of ten pounds for six months services as Teacher ending April one thousand eight hundred and fifty. H. A. K. Brewster,

To Richard Wilson the sum of ten pounds for six months services as Teacher ending twelfth September one thousand eight hundred and forty eight. R. Wilson,

To Isaac Allward the sum of nine pounds for six months services as Teacher ending twentieth April one thousand eight hundred and forty eight. I. Allward,

To

- W. H. Hardy, To William H. Hardy the sum of five pounds for three months services as Teacher ending fifteenth November one thousand eight hundred and forty six.
- T. O'Kane, To Thomas O'Kane the sum of ten pounds for four months services as First Class Teacher ending fourteenth October one thousand eight hundred and fifty.
- J. Carmault, To Jonathan Carmault the sum of eighteen pounds for twelve months services as Third Class Teacher ending ninth July one thousand eight hundred and fifty.
- D. Lynch, To David Lynch the sum of ten pounds in full for services as Teacher up to January one thousand eight hundred and fifty one.
- E. Thomson, To Elizabeth Thomson the sum of fifteen pounds in full for services as Teacher up to January one thousand eight hundred and fifty one.
- A. Keith, To Amos Keith the sum of nine pounds for six months services as Teacher ending eighth August one thousand eight hundred and forty eight.
- G. M'Neely, To George M'Neely the sum of eighteen pounds for twelve months services as teacher ending May one thousand eight hundred and fifty.
- S. Good, To Sarah Good the sum of twenty pounds for twelve months services as Teacher ending December one thousand eight hundred and fifty.
- W. Gilmour, To William Gilmour the sum of five pounds for three months services as Teacher ending July one thousand eight hundred and fifty.
- J. Roe, To James Roe the sum of three pounds six shillings and eight pence for two months services as Teacher ending first September one thousand eight hundred and fifty.
- C. Shelton, To Charles Shelton the sum of seven pounds six shillings and eight pence for four months services as Teacher ending October one thousand eight hundred and fifty.
- D. M'Namara for J. M'Namara, To Daniel M'Namara the sum of six pounds eight shillings and four pence for three and one half months services of his late son, as Second Class Teacher.
- T. M'Curdy, To Thomas M'Curdy the sum of five pounds ten shillings for three months services as Second Class Teacher ending thirty first December one thousand eight hundred and fifty.
- M. A. Fraser, To Mary Ann Fraser the sum of twenty pounds in full for services as Teacher up to December one thousand eight hundred and fifty.
- P. Sheals, To Patrick Sheals the sum of ten pounds for six months services as Teacher ending twelfth December one thousand eight hundred and fifty.
- M. Yerxa, To Martha Yerxa the sum of thirteen pounds ten shillings for nine months services as Teacher ending twelfth December one thousand eight hundred and fifty.
- M. Rogers, To Mary Rogers the sum of five pounds for three months services as Teacher ending twenty third November one thousand eight hundred and fifty.
- E. Byrne, To Elizabeth Byrne the sum of fifteen pounds for nine months services of her late Husband, Charles Byrne, as Teacher, ending May one thousand eight hundred and fifty.
- I. Fogg, To Isabella Fogg the sum of five pounds for three months services as Teacher ending September one thousand eight hundred and forty eight.
- J. M'Connochie, To James M'Connochie the sum of five pounds for services as Teacher ending November one thousand eight hundred and forty nine.
- W. H. Lockett, To William Henry Lockett the sum of twenty pounds in full for his services as Teacher up to February one thousand eight hundred and fifty one.
- J. D. Turner, To James D. Turner the sum of twenty pounds for twelve months services as Teacher ending seventeenth April one thousand eight hundred and forty nine.
- E. Wilson, To Elizabeth Wilson the sum of six pounds thirteen shillings and four pence for four months services as Teacher ending first October one thousand eight hundred and fifty.

- To Melinda J. Albee the sum of ten pounds for six months services as Teacher M. J. Albee, ending first September one thousand eight hundred and forty nine.
- To C. E. F. LeFrance the sum of ten pounds for six months services as Teacher C. E. F. LeFrance, ending first July one thousand eight hundred and fifty.
- To Sophia M'Naughton the sum of three pounds six shillings and eight pence for S. M'Naughton, two months services as Teacher ending July one thousand eight hundred and fifty.
- To Arthur M'Nutt Taylor the sum of eight pounds five shillings for four and A. M'N. Taylor, one half months services as Second Class Teacher ending fourth April one thousand eight hundred and fifty.
- To Benjamin S. Bailey the sum of five pounds ten shillings for three months B. S. Bailey, services as Second Class Teacher ending March one thousand eight hundred and forty nine.
- To Mary M'Lean the sum of ten pounds for six months services of her late M. M'Lean, Husband, John M'Lean, for teaching a School in the Parish of Blissville ending June one thousand eight hundred and fifty.
- To Mary Pengilly, late Mary Heustis, the sum of twenty pounds in full for her M. Pengilly, services as Teacher up to thirty first December one thousand eight hundred and fifty.
- To Sarah Ann Turner the sum of twenty pounds in full for eighteen months S. A. Turner, services as Teacher ending thirty first December one thousand eight hundred and fifty.
- To Lawrence L. O'Regan the sum of fourteen pounds thirteen shillings and L. L. O'Regan, four pence for eight months services as Teacher up to first January one thousand eight hundred and fifty one.
- To James Simpson the sum of seven pounds ten shillings for three months J. Simpson, services as First Class Teacher ending first November one thousand eight hundred and fifty.
- To Joseph B. Peck the sum of twenty five pounds in full for his services as J. B. Peck, Teacher up to October one thousand eight hundred and fifty.
- To Margaret D. Grannel the sum of ten pounds for six months services as M. D. Grannel, Teacher ending January one thousand eight hundred and fifty.
- To Catherine M'Dermott the sum of five pounds for three months services as C. M'Dermot, Teacher ending twenty fourth December one thousand eight hundred and fifty.
- To William J. Keswick the sum of eighteen pounds for twelve months services W. J. Keswick, as Teacher ending thirty first December one thousand eight hundred and forty nine.
- To William M'Lelland the sum of ten pounds in full for six months services as W. M'Lelland, Teacher ending thirtieth September one thousand eight hundred and fifty.
- To John Pearson the sum of ten pounds for six months services as Teacher J. Pearson, ending June one thousand eight hundred and fifty.
- To James Duffy the sum of ten pounds for six months services as Teacher J. Duffy, ending first December one thousand eight hundred and fifty.
- To Louis Crosby the sum of twenty pounds in full for past services as Teacher L. Crosby, ending June one thousand eight hundred and fifty.
- To James Ryan the sum of ten pounds in full for services as Teacher J. Ryan, June one thousand eight hundred and fifty.
- To Sarah L. Harris the sum of four pounds ten shillings for three months S. L. Harris, services as Teacher ending August one thousand eight hundred and fifty.
- To Jacob B. Steves the sum of nine pounds for six months services as Teacher J. B. Steves, ending eighteenth August one thousand eight hundred and fifty.
- To William H. Blakeney the sum of four pounds ten shillings for three W. H. Blakeney, months services as Teacher ending thirtieth April one thousand eight hundred and fifty.

- T. M'Avity, Emigration services. To Thomas M'Avity the sum of fifty pounds to compensate him for services as Superintendent of the Emigrant Establishment at Partridge Island during the year one thousand eight hundred and fifty.
- Commissioners of Alms House, Saint John, advances for Emigrants. To the Commissioners of the Alms House in the City of Saint John the sum of two hundred and twenty three pounds eight shillings and five pence to reimburse them for advances made in support and relief of sick and distressed Emigrants during the year one thousand eight hundred and fifty.
- M. Green, amount due W. Harper. To the Commissioners of the Alms House in the City of Saint John the sum of twenty seven pounds, being the balance due them for advances made in one thousand eight hundred and forty nine.
- J. Hawkins, relief. To Mary Green, of Fredericton, in the County of York, the sum of five pounds, being amount due her late Father, William Harper, at the time of his death.
- M. Pratt, relief. To Jane Hawkins, of Pennfield, in the County of Charlotte, Widow of the late W. W. Hawkins, an old Soldier of the Revolutionary War, the sum of ten pounds.
- M. Grierson, relief. To Mary Pratt, of Saint George, in the County of Charlotte, Widow of the late James Pratt, an old Soldier of the Revolutionary War, the sum of ten pounds.
- M. M'Nichol, relief. To Margaret Grierson, of Saint George, in the County of Charlotte, Widow of the late James Grierson, an old Soldier of the Revolutionary War, the sum of ten pounds.
- W. Murphy, relief. To Mercy M'Nichol, of Saint George, in the County of Charlotte, Widow of the late Neil M'Nichol, an old Soldier of the Revolutionary War, the sum of ten pounds.
- J. Smith, relief. To William Murphy, of Ludlow, in the County of Northumberland, the sum of eight pounds six shillings and eight pence, being balance due his late Father, James Murphy, an old Soldier of the Revolutionary War, at the time of his death.
- D. Groom, relief. To Jane Smith, of Hampstead, in Queen's County, Widow of the late Stephen Smith, an old Soldier of the Revolutionary War, the sum of ten pounds.
- L. Wanamaker, relief. To Dorothy Groom, of Studholm, King's County, Widow of the late Enoch Groom, an old Soldier of the Revolutionary War, the sum of ten pounds.
- R. M'Farlan, relief. To Leah Wanamaker, of Studholm, King's County, Widow of the late Henry Wanamaker, an old Soldier of the Revolutionary War, the sum of ten pounds.
- R. Pulk, relief. To Ruth M'Farlan, of Saint Patrick, in the County of Charlotte, Widow of the late Duncan M'Farlan, an old Soldier of the Revolutionary War, the sum of ten pounds.
- J. W. Munroe, teaching. To Rosanna Pulk, of Saint David, in the County of Charlotte, Widow of the late Henry Pulk, an old Soldier of the Revolutionary War, the sum of ten pounds.
- M. Dinsmore, relief. To James W. Munroe the sum of twelve pounds ten shillings for seven months services as Teacher in the County of Saint John ending January one thousand eight hundred and fifty.
- R. Berry, relief. To Margaret Dinsmore, of Saint Stephen, in the County of Charlotte, the sum of two pounds ten shillings, being balance due to Margaret Dodd, Widow of an old Soldier of the Revolutionary War, at the time of her death.
- J. Winslow, relief. To Rebecca Berry, of the County of Albert, Widow of the late Thomas Berry, an old Soldier of the Revolutionary War, the sum of ten pounds.
- S. Creekmore, relief. To Joseph Winslow, of Prince William, in the County of York, the sum of ten pounds, being amount due his late Mother in Law, Rachel Cornelison, Widow of an old Soldier of the Revolutionary War, at the time of her death.
- To Sarah Creekmore the sum of ten pounds, being the Pension allowed her as the Widow of an old Soldier of the Revolutionary War.

To Alexander M'Donald, of Saint Mary's, in the County of York, the sum of eight pounds six shillings and eight pence, being amount due his late Father, an old Soldier of the Revolutionary War, at the time of his death. A. M'Donald, relief

To Hannah M'George, of Saint George, in the County of Charlotte, the sum of seven pounds ten shillings, being amount due her late Mother, Isabella Dow, Widow of an old Soldier of the Revolutionary War, at the time of her death. H. M'George, relief

To Magdalen Schurman, of the City of Saint John, Widow of the late Philip Schurman, an old Soldier of the Revolutionary War, the sum of ten pounds. M. Schurman, relief

To Abigail M'Kay, of Saint Mary's, in the County of York, Widow of the late Duncan M'Kay, an old Soldier of the Revolutionary War, the sum of ten pounds. A. M'Kay, relief.

To E. H. Duval the sum of one hundred pounds for having taught the British School in the City of Saint John for the year one thousand eight hundred and fifty. E. H. Duval, teaching.

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

To James Foster Kelly the sum of twenty pounds for having taught a School in the City of Saint John for the year one thousand eight hundred and fifty. J. F. Kelly, teaching.

To Mary Whelpley, of Kingston, in King's County, Widow of the late Jonathan Whelpley, an old Soldier of the Revolutionary War, the sum of ten pounds. M. Whelpley, teaching.

To Sabra Lyon, of King's County, Widow of the late Hezekiah Lyon, an old Soldier of the Revolutionary War, the sum of ten pounds. S. Lyon, relief.

To James Moran, of Saint George, in the County of Charlotte, the sum of eight pounds six shillings and eight pence, being amount due Susanna Wattman, Widow of an old Soldier of the Revolutionary War, at the time of her death. J. Moran, on account of S. Wattman, relief.

To Letty Bell, of Burton, in the County of Sunbury, Widow of an old Soldier of the Revolutionary War, the sum of ten pounds. L. Bell, relief.

To Mary Hickey, of Southampton, in the County of York, the sum of six pounds thirteen shillings and four pence, being amount due her late Father, Thomas Thornton, an old Soldier of the Revolutionary War, at the time of his death. M. Hickey, on account of T. Thornton, relief.

To the Woodstock Mechanics' Institute the sum of one hundred pounds to aid in paying off a debt due the same. Woodstock Mechanics' Institute.

To Thomas Philps, of Saint John, the sum of seventeen pounds to reimburse him Duties paid on Machinery imported from New York for a Paper Mill he is about erecting in the vicinity of that place for the manufacture of Paper. T. Philps, Return Duties.

To Gilmour, Rankin and Company, of Miramichi, the sum of thirty pounds thirteen shillings to refund them Export Duties paid on a Cargo of Lumber shipped from Newcastle in the Brig "Liddell," which Vessel was stranded and the Cargo relanded, agreeably to the Report of the Committee of Trade. Gilmour, Rankin & Co., Return Duties.

To William Napier, Gauger and Weigher at Bathurst, the sum of four pounds eighteen shillings and six pence for his services in that capacity the past year. W. Napier, Return Duties.

To Robert B. Cutler, of Buctouche, the sum of thirty two pounds two shillings and six pence to refund Duties of Export paid on two Cargoes of Lumber respectively, per Brigs "Integrity" and "Lady Mary," the said Vessels having been both stranded and the Cargoes relanded. R. B. Cutler, Return Duties.

To William Philips, of Fredericton, the sum of twenty eight pounds seven shillings and eleven pence to reimburse Duties paid on Goods destroyed at the Great Fire in November last at that place. W. Philips, Return Duties.

To James M'Phelim, of Buctouche, the sum of six pounds two shillings to refund Duties paid on sixty one barrels Flour imported from Halifax, erroneously entered as Foreign instead of Canadian. J. M'Phelim, Return Duties.

To

J. M'Intosh,  
Return Duties.

To John M'Intosh, of Fredericton, the sum of twenty four pounds five shillings to reimburse him that amount he was compelled to pay for two Horses seized as Foreign for a breach of the Revenue Laws, which turned out to be erroneous.

J. W. Street,  
Return Duties.

To James W. Street, of Saint Andrews, the sum of ten pounds nine shillings to enable him to be relieved from a Bond given on the exportation of a cargo of Lumber to Matanzas, per Barque "Volant," in one thousand eight hundred and forty nine, and the further sum of three pounds seven shillings and one penny, to reimburse Light House, Buoy and Beacon Duties paid on said vessel, this Grant being made under the Act 8 Vict. Chap. 109.

J. M'Intosh,  
Return Duties.

To John M'Intosh, of Fredericton, the sum of twenty pounds fourteen shillings and six pence to reimburse Duties paid on a quantity of Goods destroyed at the Great Fire at that place in November last.

F. W. Hatheway,  
Return Duties.

To Frederick W. Hatheway the sum of twenty seven pounds fifteen shillings and six pence to refund Duties paid on Goods destroyed at the Great Fire at Fredericton in November last.

Doherty and  
M'Tavish,  
Return Duties.

To Doherty and M'Tavish, of Saint John, the sum of eleven pounds seven shillings and one penny to refund Duties paid on Goods entered as Foreign instead of Colonial, at the Custom House, Saint John, in one thousand eight hundred and forty seven, which amount was paid into the Provincial Treasury that year, and besides the Provincial Duties have been paid at the Treasurer's Office by the parties.

Z. Chipman,  
Return Duties.

To Zachariah Chipman, of the County of Charlotte, the sum of six pounds ten shillings to enable him to cancel his Bond on a cargo of Lumber shipped from Saint Stephen in the Brig "Caledonia," the vessel having been disabled, returned to Port, and condemned, and the cargo relanded.

G. M. Porter,  
Return Duties.

To George M. Porter, of Saint Stephen, the sum of eight pounds nineteen shillings to refund Duties paid on a cargo of Lumber shipped for Demerara in one thousand eight hundred and forty six, to which he is entitled under the Act 8 Vict. Chap. 109.

Improvement at  
Dark Harbour,  
Grand Manan.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty five pounds to enable further improvements to be made at Dark Harbour, in the Island of Grand Manan, for the protection of Fishing and Coasting Vessels.

Fredericton Gas  
Light Company,  
Return Duties.

To the Fredericton Gas Light Company the sum of two hundred and three pounds three shillings to refund Duties paid on Gas Pipes and other apparatus imported for the operations of the said Company, the said Duties being refunded in consequence of heavy losses having been incurred by the said Company by reason of the Great Fire in November last, which rendered their great outlay of no avail for some time to come.

W. Grosvenor,  
Return Duties.

To William Grosvenor, of Fredericton, the sum of twenty seven pounds eleven shillings and nine pence, to refund Duties on Merchandise consumed at the Great Fire at that place in November last.

S. Barker,  
Return Duties.

To Spafford Barker, of Fredericton, the sum of twenty nine pounds two shillings and ten pence to refund Duties paid on Goods, and under like circumstances destroyed.

P. Kirlin,  
Return Duties.

To Patrick Kirlin, of Fredericton, the sum of five pounds and three pence to refund Duties paid on Goods, and destroyed at the said late Great Fire.

J. O'Connor,  
Return Duties.

To James O'Connor, of Saint John, the sum of eighty one pounds seven shillings to refund Duties paid on Merchandise at that place, and consumed by fire on the twenty eighth December last.

To His Excellency the Lieutenant Governor a sum not exceeding five hundred pounds, for the purpose of placing an Iron Bell Buoy at the entrance of the Harbour of Saint John, if upon full investigation the expenditure be deemed necessary; to be taken from the Light House Fund.

Harbour of Saint John, Iron Bell Buoy.

To the Commissioners of Light Houses in the Bay of Fundy the sum of thirty pounds to enable Thomas Robson to try the efficiency of a Machine invented by him for ringing a Fog Bell; to be taken from the Light House Fund.

Commissioners of Light Houses, Bay of Fundy, to enable Thomas Robson to test a Fog Bell; For Contingencies;

To the Commissioners of Light Houses in the Bay of Fundy the sum of one thousand five hundred pounds for Contingencies for the present year; to be taken from the Light House Fund.

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

For Cape Sable, Seal, and Brier Island.

To the Commissioners of Light Houses in the Gulf of Saint Lawrence the sum of two hundred pounds to meet past expenditure and provide for the current expenses of the present year; to be taken from the Light House Fund.

Commissioners of Light Houses, Gulf of St. Lawrence, Contingencies.

To Isaac Woodward the sum of one hundred and fifty pounds for his services as Corresponding and Recording Commissioner of Light Houses for the year one thousand eight hundred and forty nine; to be taken from the Light House Fund.

I. Woodward, services as Corresponding and Recording Commissioner of Light Houses.

To Isaac Woodward a sum not exceeding one hundred pounds for his services as Corresponding and Recording Commissioner of Light Houses for the year one thousand eight hundred and fifty; to be taken from the Light House Fund.

To the Trustees of the Wesleyan Academy at Sackville the sum of three hundred pounds towards the support of that Institution.

Wesleyan Academy

To the Governor and Trustees of the Madras Board the sum of four hundred pounds towards the support of that Institution.

Madras School.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and fifty pounds, to be paid to the Managing Committee of the Baptist Seminary at Fredericton, under the control of the Committee, when it shall be certified to His Excellency the Lieutenant Governor or Administrator of the Government that the said Institution is in an efficient state.

Baptist Seminary.

To Mary Harris the sum of twenty two pounds ten shillings for teaching a School for one year and three months in the Parish of Hampton, in King's County.

Mary Harris, teaching.

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

S. Cyphers, relief.

To Rachel Martin, an old and valuable Instructress of Youth, the sum of twenty pounds to assist her in her present destitute circumstances.

R. Martin, teaching

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

A. M'Donald, 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 William Watts the sum of ten pounds for his services as Crier and Usher of the Supreme Court for the past year.

W. Watts, services Crier Sup. Court.

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

Infant School, Fredericton.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding fifteen pounds for the payment of a Courier between Richibucto and Weldford.

Courier between Richibucto and Weldford.

To

Courier between  
Post Office in  
Salisbury, and J.  
M'Naughton's in  
Elgin.

Robert Livingston,  
to purchase land.

To the Justices of the Peace for the County of Albert the sum of fifteen pounds to pay a Courier to carry the Mails from the Post Office in Salisbury to James M'Naughton's, in the Parish of Elgin.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to enable Robert Livingston, an old Soldier, to purchase one hundred acres of land, as recommended by the Committee.

Courier between  
New Canaan,  
through Butternut  
Ridge, to Petit-  
codiac.

Courier between  
Post Office, Har-  
vey, and Salmon  
River.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifteen pounds to provide for carrying the Mail from New Canaan, through Butternut Ridge, to Petitcodiac.

To the Justices of the Peace for the County of Albert the sum of fifteen pounds to carry the Mails from the Post Office in Harvey to Salmon River, the same as former years.

Courier between  
Miramichi and  
Shippegan.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds in addition to the usual Grant of forty five pounds for services in conveying the Mails from Miramichi to Shippegan, provided the Courier goes once a week instead of once a fortnight, as at present.

Courier between  
Bathurst, Caraquet  
and Shippegan.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds in addition to the usual allowances for services in conveying the Mails from Bathurst to Caraquet and Shippegan, provided the Mails are conveyed weekly instead of once a fortnight, as at present.

J. Turner, Stage  
between Frederic-  
ton & St. Andrews.

J. Whitney, Mails  
between St. John  
and Digby.

To John Turner the sum of twenty pounds to aid him in running an Accommodation Stage between Fredericton and Saint Andrews.

To James Whitney the sum of two hundred pounds to remunerate him for past services for carrying the Mails between Saint John and Digby, Nova Scotia, up to first January, one thousand eight hundred and fifty one.

High Sheriffs, for  
holding Elections:  
City and County of  
Saint John,

To the High Sheriff of the City and County of Saint John the sum of fifty eight pounds nine shillings and nine pence for expenses incurred in holding the County Election :

To the High Sheriff of the City and County of Saint John the sum of twenty four pounds ten shillings for expenses incurred in holding the City Election :

Restigouche,

To the High Sheriff of the County of Restigouche the sum of twenty pounds thirteen shillings and nine pence for expenses incurred in holding the Election for that County :

Charlotte,

To the High Sheriff for the County of Charlotte the sum of fifty pounds fifteen shillings and four pence for expenses incurred in holding the Election for that County :

King's,

To the High Sheriff for the County of King's the sum of forty nine pounds seventeen shillings and six pence for expenses incurred in holding the Election for that County :

Gloucester,

To the High Sheriff for the County of Gloucester the sum of fifty seven pounds thirteen shillings and six pence, expenses incurred in holding the Election for that County :

Northumberland,

To the High Sheriff of the County of Northumberland the sum of fifty two pounds two shillings and ten pence for expenses incurred in holding the Election for that County in one thousand eight hundred and fifty, and the further sum of six pounds sixteen shillings and eight pence for the Election in one thousand eight hundred and fifty one :

To the High Sheriff of the County of Kent the sum of thirty four pounds four shillings and six pence for expenses incurred in holding the Election for that County :

Kent,

To the High Sheriff for the County of Westmorland the sum of forty three pounds ten shillings and one penny for expenses incurred in holding the Election for that County :

Westmorland,

To the High Sheriff of the County of York the sum of forty seven pounds seven shillings and nine pence, expenses incurred in holding the Election for that County in one thousand eight hundred and fifty, and the further sum of forty six pounds fourteen shillings for the Election in one thousand eight hundred and fifty one :

York,

To the High Sheriff of the County of Queen's the sum of fifty three pounds eighteen shillings for expenses incurred in holding the Election for that County :

Queen's,

To the High Sheriff for the County of Carleton the sum of thirty pounds eighteen shillings and three pence for expenses incurred in holding the Election for that County in one thousand eight hundred and fifty, and the further sum of thirty pounds eighteen shillings and three pence for the Election in one thousand eight hundred and fifty one :

Carleton,

To the High Sheriff of the County of Sunbury the sum twenty five pounds for expenses incurred in holding the Election for that County :

Sunbury,

To the High Sheriff of the County of Albert the sum of thirty three pounds sixteen shillings and three pence for expenses incurred in holding the Election for that County :

Albert,

To the High Sheriff of the County of Victoria the sum of thirty six pounds fourteen shillings and eight pence for expenses incurred in holding the Election for that County :

Victoria.

The said several sums granted to the Sheriffs for holding Elections being in addition to the amount allowed by law.

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

Provincial Penitentiary.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding six hundred pounds, for the support of the Lazaretto at Tracadie, Gloucester, for the present year.

Lazaretto at Tracadie.

To Doctor LaBellois the sum of one hundred and fifty pounds for his services as Medical Attendant at the Lazaretto, Tracadie, the same to be in full up to first of April one thousand eight hundred and fifty one.

Dr. LaBellois, Tracadie Lazaretto.

To Wellington A. Troop, Second Class Teacher, of the Parish of Springfield, in King's County, the sum of twenty two pounds to remunerate him for teaching a School in the said Parish for the period of twelve months ending first of August one thousand eight hundred and fifty.

W. A. Troop, teaching.

To the Commissioners of the Alms House for the City and County of Saint John the sum of thirteen pounds and two pence, being amount expended by them in relief of sick and distressed Emigrants at Partridge Island in the year one thousand eight hundred and fifty ; to be taken from the Emigrant Fund.

Commissioners of Alms House, Saint John, for Sick Emigrants.

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

Roman Catholic School, Saint Andrews.

To Mary O'Neil, of the Parish of Saint Andrews, the sum of ten pounds for having taught a School in the said Parish for six months ending on the first day of June one thousand eight hundred and fifty.

Mary O'Neil, teaching.

To

- J. M'Cormick, teaching. To James M'Cormick, of the Parish of Saint Andrews, the sum of twenty pounds for having taught a School in the said Parish for twelve months ending on the thirty first day of January one thousand eight hundred and forty nine.
- Lunatic Asylum. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand eight hundred and fifty pounds, for the support of the Lunatic Asylum at Saint John.
- G. Wheten, teaching. To George Wheten, of Richibucto, in the County of Kent, the sum of twenty pounds for teaching a School in that Parish in the year one thousand eight hundred and fifty.
- Courier between Mouth of Oromocto and the S. Branch. To the Justices of the Peace for the County of Sunbury the sum of twenty pounds to enable them to pay a Courier to carry the Mails from the Mouth of the Oromocto River to its South Branch.
- J. Kollok, relief. To Jacob Kollok, an old and meritorious Officer of the Revolutionary War, the sum of fifteen pounds to assist him in his present destitute circumstances.
- R. Cornwall, relief. To Ruth Cornwall, Widow of Samuel Cornwall, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute circumstances.
- R. M'Callum, teaching. To Rachel M'Callum, a licenced Teacher, the sum of nine pounds to remunerate her for teaching a School for six months at Carleton, in the City of Saint John.
- C. Turner, teaching. To Charlotte Turner, in consideration of her services as a Teacher of Youth in the City of Fredericton, the sum of ten pounds.
- J. T. Williston and W. Letson, Esqrs., expenses connected with the Ship "Looshtauk." To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one hundred and thirty two pounds thirteen shillings and two pence to enable him to reimburse John T. Williston and William Letson, Esquires, the balance due them for advances and liabilities made and incurred by them connected with the Ship "Looshtauk," in support of the Lazaretto Establishment at Middle Island, Miramichi, during the year one thousand eight hundred and forty seven.
- D. Trites, teaching. To Delia Trites the sum of eighteen pounds for teaching a School for the period of twelve months in the Parish of Monkton, County of Westmorland.
- Courier between Memramcook Post Office and Belliveau's Village. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of ten pounds, in aid of individual subscription, to support a Courier from the Memramcook Post Office to Belliveau's Village.
- E. Briant, relief. To Esther Briant, Widow of Thomas Briant, an old Soldier of the Revolutionary War, the sum of ten pounds to assist her in her present destitute condition.
- E. M'Cann, teaching. To Elizabeth M'Cann, a licenced Teacher, the sum of eighteen pounds to remunerate her for having taught a School in the Parish of Portland for the year ending eighteenth January one thousand eight hundred and fifty one.
- Towing Path from Arestook River to Grand Falls. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds for repairing the Towing Path from the Arestook River to the Grand Falls.
- J. Austin, teaching. To Jane Austin the sum of twenty pounds for having taught a Female School of a superior character in the City of Saint John for the past twenty two years.
- D. Robicheau, teaching. To Daniel Robicheau, a licenced Teacher, the sum of five pounds for teaching a School for a period of three months in the Parish of Dundas, in the County of Kent.
- J. F. Gooldrup, African School, Saint John. To James F. Gooldrup the sum of forty pounds to remunerate him for services as Teacher of the African School at Loch Lomond for the past year.
- J. Turner, Stage between Fredericton & St. Andrews. To John Turner the sum of thirty pounds for running a Stage between Fredericton and Saint Andrews to the first day of August next.
- Gilmour, Rankin & Co., Return Duty. To Messieurs Gilmour, Rankin and Company, of Miramichi, the sum of five pounds fifteen shillings, being amount of Duty paid on Scantling exported from Miramichi in one thousand eight hundred and fifty.
- To

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of ten pounds, in aid of individual subscription, to run a Courier from the City of Saint John, through the Caledonia, Hibernia and Brown Hill Settlements, and to Tynemouth.

Courier between St. John and Tynemouth, through the Caledonia, Hibernia and Brown Hill Settlements.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds to provide for carrying the Mails between Saint John, Black River and Ten Mile Creek.

Mails between St. John, Black River and Ten Mile Creek

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

Roman Catholic School, St. John.

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

Free School, Portland.

To Henry H. Shaw, a licenced Teacher of the Third Class, the sum of thirteen pounds ten shillings for having taught a School in the Parish of Wakefield, County of Carleton, for the term of nine months ending the thirtieth of December one thousand eight hundred and fifty.

H. H. Shaw, teaching.

To Donald Cameron, a licenced Teacher of the Third Class, the sum of eighteen pounds for having taught a School in the Parish of Wicklow, County of Carleton, for the period of twelve months ending the eighteenth day of November one thousand eight hundred and fifty.

D. Cameron, teaching.

To James M'Crea, a licenced Teacher of the Third Class, the sum of eighteen pounds for having taught a School in the Parish of Wicklow, County of Carleton, for the term of twelve months ending the fifth day of August one thousand eight hundred and fifty.

J. M'Crea, teaching.

To Mary Grant, of the Parish of Saint Andrews, the sum of ten pounds for having taught a School in the Parish of West Isles for six months ending on the thirtieth day of November one thousand eight hundred and fifty.

M. Grant, teaching.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds to pay a Courier for carrying a Mail from Campbelton to the Mouth of the Upsalquitch.

Courier between Campbelton and Upsalquitch.

To James Henderson the sum of ten pounds to remunerate him for teaching a School in the Parish of Saint Mary's for a period of six months ending thirty first December last.

J. Henderson, teaching.

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

Poor Female School Fredericton.

To John Walsh the sum of twenty pounds for having taught a School in the City of Saint John for the year one thousand eight hundred and fifty.

J. Walsh, teaching.

To George Cummins the sum of eighteen pounds for having taught a School in the City of Saint John for the year one thousand eight hundred and fifty.

G. Cummins, teaching.

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

Sick and distressed Indians.

To William Carman the sum of seven pounds fourteen shillings for Gauging and Weighing dutiable articles at Miramichi the past year.

W. Carman, Gauging.

To John Fraser the sum of seven pounds thirteen shillings for Gauging and Weighing dutiable articles at Miramichi the past year.

J. Fraser, Gauging.

Ferguson, Rankin & Co., Return Duty.

To Ferguson, Rankin and Company, of Bathurst, the sum of six pounds thirteen shillings and ten pence to refund them Export Duties erroneously paid at the Deputy Treasurer's Office there on Scantling exported the last year to Newfoundland.

Missionary to Milicete Indians.

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

J. Sivewright, Newcastle Grammar School.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds, in aid of the Grammar School taught at Newcastle, Northumberland, by John Sivewright, to whom the same shall be paid in part of his Salary the present year, on the usual Certificates being given.

Protection of the Revenue.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding four thousand pounds for the protection of the Revenue for the year one thousand eight hundred and fifty one.

F. M'Manus, Return Duties.

To Francis M'Manus, of Fredericton, the sum of fourteen pounds one shilling and three pence to reimburse Duties paid on Goods destroyed in the Great Fire which occurred on the eleventh November last.

C. H. Turner, teaching.

To Charlotte H. Turner the sum of nine pounds for teaching a School in the City of Fredericton for a period of six months ending the thirtieth of June last.

B. M'Quade, reimbursement of loss as Road Contractor.

To Bryan M'Quade the sum of fifteen pounds to remunerate him for loss sustained in making a piece of the Great Road between Woodstock and the Arestook, half to be taken out of the Great Road money from Woodstock to the Arestook, and half out of the Great Road money from the Arestook to the Grand Falls.

Towing Path east side of Madawaska River.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty pounds for improving the Towing Path on the east side of Madawaska River, as recommended by the Lumbering Committee.

A. Moore, rebuilding of a Grist Mill.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds to aid Alexander Moore, of the Mechanics' Settlement, in King's County, to rebuild a Grist Mill which was consumed by fire in December last; the same not to be drawn from the Treasury until it shall be satisfactorily certified to His Excellency the Lieutenant Governor that the said Mill has been rebuilt, and is in efficient operation.

A. Cantley, rebuilding Oat Mill.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds to aid Alexander Cantley, of Bathurst, in the County of Gloucester, in rebuilding an Oat Kiln consumed by fire in February one thousand eight hundred and fifty; the same not to be drawn from the Treasury until it shall be satisfactorily certified to His Excellency the Lieutenant Governor that the said Kiln, as well as the Mill in connection therewith, is in successful operation.

Robert Hervie, erection of a Fulling, Spinning and Dressing Mill, and Machinery.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to aid Robert Hervie, of the Parish of Durham, in the County of Restigouche, in the erection and completion of a Fulling, Spinning and Dressing Mill, and Machinery, in that Parish; twenty five pounds of which sum to be paid so soon as it is satisfactorily certified to the Government that a Fulling Mill is in efficient operation, and the remaining twenty five pounds when it shall be certified as above, that a Spinning and Weaving Machine has been connected therewith, and is in successful operation.

To John King, President of the Sussex and Studholm Agricultural Society, the sum of fifty six pounds, being amount due that Society, to meet their subscriptions in the years one thousand eight hundred and forty six and one thousand eight hundred and forty seven, agreeably to the Report of the Committee on Agriculture.

Sussex and Studholm Agricultural Society.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of twenty five pounds in addition to the amount allowed by law to aid in the erection of a Flour and Oat Mill, and Kiln, at the Black River Settlement, Parish of Simonds, in the County of Saint John; the same to be paid when a satisfactory Certificate shall be produced that a good and substantial Flour and Oat Mill and Kiln, has been erected in a convenient and suitable place for the accommodation of the public, and the whole in efficient operation.

Erection of a Flour and Oat Mill and Kiln at Black River Settlement.

To John Wright, Esquire, President of the Northumberland Agricultural Society, the sum of fifty pounds to assist and encourage the erection of Machinery for Fulling, Carding, Dressing, Spinning and Weaving; the above not to be drawn from the Treasury until it shall be satisfactorily certified to the Government that each and every of the branches of the machinery above enumerated are in full and efficient operation.

Northumberland Agricultural Society, Machinery for a Cloth Factory.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to aid Matthew Laud in the erection of Machinery for the manufacturing of Flax into Shoe and other Threads, Twine, Warp, &c., the same to be paid when it shall be satisfactorily certified to the Lieutenant Governor that the machinery has been erected and is in full and efficient operation.

M. Laud, erection of machinery for Flax manufactures.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of one thousand and twenty three pounds and one penny to enable His Excellency to pay John Simpson, Queen's Printer, balance due him to thirty first December one thousand eight hundred and fifty.

J. Simpson, Queen's Printer.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and fifty eight pounds three shillings and five pence to enable him to pay James Taylor, Esquire, amount expended on Government House; also the further sum of two hundred and eighty one pounds one shilling and eleven pence to enable His Excellency to pay James Taylor, Esquire, amount expended on Public Buildings.

Government House and Public Buildings.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds to enable His Excellency to pay the Honorable the Provincial Secretary amount expended for Carpet and Coals for House of Assembly.

Carpet & Coals for House of Assembly.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred pounds towards paying the following persons for reporting the Debates of the present Session, viz: William Grigor, Thomas Hill, Timothy W. Anglin, Jonathan P. Taylor, James Hogg, and J. G. Lorimer.

Reporting Legislative Debates.

To the Madras Board the sum of one hundred pounds to aid them in rebuilding a School House in the City of Fredericton destroyed by the Great Fire on eleventh November last.

Madras School, Fredericton.

To Thomas Bowser the sum of ten pounds for teaching a School for the term of six months in Saint Stephen ending ninth September one thousand eight hundred and fifty.

T. Bowser, teaching.

- E. Coddington, relief. To Eliphaz Coddington, of Grand Manan, the sum of ten pounds as a part remuneration for services performed during the late War, he now being in very destitute circumstances, and eighty years of age.
- Mails from the Nerepis Way Office through Westfield and Greenwich. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of thirty pounds towards defraying the expenses of carrying a Mail from the Nerepis Way Office through the Parishes of Westfield and Greenwich the present year.
- Legislative Library. To the Joint Committee of the Legislative Library the sum of two hundred pounds sterling for the use of said Library.
- Commissioner of Public Buildings. To the Commissioner of Public Buildings the sum of one hundred pounds for his services the past year.
- J. Simpson, Queen's Printer, Journals and Laws. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of six hundred pounds to pay John Simpson, Queen's Printer, for printing the Journals of the present Session and towards printing the Laws.
- M. Collins, relief. To Mary Collins, Widow of the late Doctor Collins, who fell a victim to the pestilential disease raging on Partridge Island, at the Quarantine Establishment, in one thousand eight hundred and forty seven, while in his professional attendance upon the numerous Emigrants there landed, to aid her in her present distressed condition, the sum of twenty five pounds.
- Clerk of the Crown, Supreme Court. To the Clerk of the Crown in the Supreme Court the sum of one hundred pounds for his services for the year one thousand eight hundred and fifty.
- Government House Coals. To the Commissioner of Government House the sum of sixty pounds for Coals for the Public Rooms and Offices in Government House.
- C. Lloyd, Gauging. To Charles Lloyd the sum of two pounds sixteen shillings and six pence for Gauging and Weighing dutiable articles at Dalhousie the past year.
- Quarter Master General of Militia. 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.
- Appraisers of D. Goods, St. John. To the two Appraisers at Saint John the sum of twenty five pounds each for their services for the year one thousand eight hundred and fifty.
- African School, St. John. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds in aid of individual subscription for the support of the African School at Saint John.
- M. M. Legget, teaching. To Mary M. Legget the sum of twenty pounds to remunerate her for teaching a School in the Parish of Studholm, in King's County, for the year ending first of March one thousand eight hundred and fifty one.
- Acting Emigrant Agent St. Andrews. To the Acting Emigrant Agent at Saint Andrews the sum of fifty pounds for his services in that capacity the past year.
- M. Harned, relief. To Mary Harned, Widow of the late Alward Harned, formerly Door Keeper of this House, the sum of ten pounds to assist her in her present destitute circumstances.
- Packet between St. Andrews, West Isles, Campo Bello and Grand Manan. To the Postmaster General the sum of one hundred pounds to enable him to provide for running Packets between Saint Andrews, West Isles, Campo Bello and Grand Manan for the ensuing year.
- T. W. Smith, M.D. remuneration. To Thomas W. Smith, M.D., the sum of twelve pounds to remunerate him in part for expenses incurred in attending three Policemen dangerously wounded in the Parish of Portland, County of Saint John.
- Encouragement of the Fisheries. To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of five hundred pounds for the encouragement of the Fisheries; the said money to be advanced in the same way and in like proportions as the money at present granted for the encouragement of Agricultural Societies.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding two hundred pounds for the purpose of exploring a Line of Road from Boiestown, on the South West Branch of the Miramichi River, to Dalhousie or Campbellton, in the County of Restigouche.

Exploration of road from Boiestown to Dalhousie or Campbellton.

To the Postmaster at Fredericton the sum of six hundred and forty eight pounds eleven shillings and eleven pence, being for Postages of the Legislature the present Session, including Journals and Laws.

Postage of the Legislature.

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

Contingencies.

II. And be it enacted, That all the before mentioned sums of money shall be paid by the Treasurer of the Province, by Warrant of His Excellency the Lieutenant Governor or 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 payments may be made at the same.

Money to be paid by the Province Treasurer, by Warrant of the Lieutenant Governor.

#### CAP. XIV.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.

*Passed 30th April 1851.*

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province, to such persons as His Excellency the Lieutenant Governor or Administrator of the Government for the time being shall appoint, in addition to the sums already granted, the following for the purposes hereinafter mentioned, (that is to say :)

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

Money granted for Road Service.

Eight hundred and eighty pounds for the Road from Saint John to the Nova Scotia Line ; of which two hundred pounds to be expended on that part of the Road from Saint John to King's County Line ; fifty pounds on the old Westmorland Road in King's County ; two hundred pounds from Saint John County Line to Hayward's Mills ; and the remainder, four hundred and thirty pounds, from Hayward's Mills to the Nova Scotia Line ; fifty pounds of which to be paid to the Special Commissioners of Sewers, in part towards the expenses of keeping the Aboideau over the AuLac in repair, and such part to be expended on the old Tantamar Road as may be necessary to keep the same in repair.

St. John to the Nova Scotia Line.

Eight hundred and fifteen pounds for the Road from Fredericton, via Nerepis, to Saint John ; of which amount, fifty pounds to be expended at the Public Landing at Brundage's, and such sum as may be necessary to keep in repair the Approaches to the Ferry Landings in Carleton.

Fredericton to St. John, via Nerepis.

Forty pounds for the Road from Nerepis to Gagetown.

Nerepis to Gagetown.

Five hundred pounds for the Road from Saint John to Saint Andrews ; so much of said sum as may be necessary to be expended in rebuilding or repairing the Bridge across the Musquash River.

St. John to St. Andrews.

Forty pounds for the Road from Dorchester to Shediac.

Dorchester to Shediac.

Fifty pounds for the Road from Shediac to Petitcodiac.

Shediac to Petitcodiac.

One hundred pounds for the Road from Richibucto to Chatham.

Richibucto to Chatham.

Newcastle to  
Bathurst.

Two hundred and fifty pounds for the Road from Newcastle to Bathurst; one hundred pounds of which to be expended on the new line from the Ferry to Currie's; and the remaining sum of one hundred and fifty pounds to be expended from Currie's to Bathurst; out of which sum fifteen pounds to be paid David Crocker for expenses incurred in defending a law suit brought against him by Thomas Mallen.

Bathurst to  
Belledune.

One hundred pounds for the Road from Bathurst to Belledune; four pounds nine shillings and eleven pence of which to be paid David Crocker balance due him for over expenditure on said Road during the past year.

Belledune to the  
Metis Road.

Four hundred and fifty pounds for the Road from Belledune to the Metis Road; twenty nine pounds nine shillings and eight pence of which to be paid David Crocker balance due him for over-expenditure on said Road during the past year.

Fredericton to  
Woodstock.  
Woodstock to the  
Arestook.

Nine hundred pounds for the Road from Fredericton to Woodstock.  
Seven hundred and fifty pounds for the Road from Woodstock to the Arestook; out of which a sum not exceeding two hundred and fifty pounds to be laid out on the Road from Moses Hannah's to the River DeChute, and two hundred and fifty pounds towards building a Stone Bridge over the Maduxnikik River.

Arestook to  
Grand Falls.  
Fredericton to the  
Finger Board.

One hundred pounds for the Road from Arestook to Grand Falls.  
One hundred and fifty pounds for the Road from Fredericton to the Finger Board.

Bellisle to  
Scribner's.  
Fredericton to  
Newcastle.

Twenty pounds for the Road from Bellisle to Scribner's.  
One thousand pounds for the Road from Fredericton to Newcastle, including the Bridge already contracted for at Renous River; twenty pounds of which to be paid John Wilson, to compensate him for ferrying Her Majesty's Mails across the North and South West Branches of the River Miramichi for the year one thousand eight hundred and fifty one; and twenty two pounds ten shillings to Abel Pond for work on that Road during the past year.

Fredericton to  
St. Andrews.  
Salisbury to  
Harvey.

Three hundred pounds for the Road from Fredericton to Saint Andrews.  
Six hundred pounds for the Road and Bridges from Salisbury to Harvey; three hundred pounds of which to be expended between Salisbury and William Bennett's; and the remaining three hundred pounds between William Bennett's and Harvey.

Shediac to  
Richibucto.  
Waweig to  
St. Stephen.  
Woodstock to  
Houlton.  
Oromocto to  
Gagetown.  
Oak Bay to  
Eel River.

Nine hundred pounds for the Roads and Bridges from Shediac to Richibucto.  
Thirty pounds for the Road from Waweig to Saint Stephen.  
Forty pounds for the Road from Woodstock to Houlton.  
Thirty pounds for the Road from Oromocto to Gagetown.  
Two hundred pounds for the Road from Oak Bay to Eel River; fifty pounds of which to be expended from Valentine Sherman's to the Saint Andrews Road, at the head of Oak Bay.

Barker's Landing  
to Richibucto.

Five hundred pounds for the Road from Barker's Landing, Nashwaak, to Richibucto, via Newcastle and the Gaspereaux.

Newcastle to  
Pittfield's.

Seventy five pounds for the Road from Newcastle to Pittfield's, in Westmorland, being part of the old Line of Road laid out between Fredericton and the Petitcodiac; fifteen pounds of which to be expended on that part of the Road lying between Newcastle and the Salmon River.

Five

Five hundred and fifty pounds for the Road from Grand Falls to the Canada Line; two hundred pounds of which to be expended between the Grand Falls and Green River. Grand Falls to the Canada Line.

Three hundred pounds for the Road from Bathurst to Miramichi, via Pokemouche; ten pounds of which to be expended in exploring a Line from Bathurst to Salmon Beach; also the sum of fifteen pounds to be paid Joseph Sewell for building a Scow to be used at the Ferry at Pokemouche River; and the further sum of one hundred and sixty five pounds to be expended on the Road from Bathurst to Little Tracadie; and the remaining some of one hundred and ten pounds on the Road from Little Tracadie River to Miramichi. Bathurst to Miramichi, via Pokemouche.

Two hundred pounds for the road from Saint John to Quaco; so much thereof as may be necessary to be expended in rebuilding the Bridge across the Stream at the lower end of Loch Lomond. St. John to Quaco.

Twenty five pounds for the Road from Hampton to Bellisle. Hampton to Bellisle.

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

Thirty pounds for the Road from Lower Landing, Grand Falls, to American Boundary. Grand Falls to Am. Boundary.

Twenty five pounds for the Road from Pickard's Line to American Boundary. Pickard's Line to Am. Boundary.

Four hundred pounds for the Road from Albert to Saint John, including the Bridge across Hammond River; one hundred and twenty pounds of which to be expended between King's County Line and the commencement of the Road in Albert County; the remaining two hundred and eighty pounds through King's County and the County of Saint John; thirty pounds of which to be expended on that part of the old Westmorland Road from Tisdale's corner past the Cemetery. Albert to St. John.

One hundred pounds for the Road from Isaac Derry's, in Harvey, to Point Wolf. Isaac Derry's to Point Wolf.

Fifty pounds for the Road from Dead Water Brook to Saint Stephen. Dead Water Brook to St. Stephen.

Two hundred and fifty pounds for the Road between Roix's and Oak Bay; ten pounds of which to be paid Walter M'Farlane the balance due him for extra work on the Carson Bridge on said Road. Roix' to Oak Bay.

One hundred pounds for the road from Tisdale's farm to Loch Lomond. Tisdale's Farm to Loch Lomond.

To the Nova Scotia and New Brunswick Land Company the sum of one hundred pounds for the improvement of the Roads through their Lands. Nova Scotia and New Brunswick Land Company's land.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and thirty 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 eleventh day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council; and the further sum of six hundred and fifty three pounds fifteen shillings granted in the year one thousand eight hundred and fifty for the Bye Roads in the County of Albert, and not drawn from the Treasury, the same to be re-appropriated and applied and expended towards the improvement of the Bye Roads in the said County of Albert, agreeably to the said Resolution of the eleventh day of April one thousand eight hundred and fifty one. Bye Roads in Albert County.

To

Bye Roads in the  
County of Resti-  
gouche.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and thirty one 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 nineteenth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

Bye Roads in the  
County of  
Gloucester.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and ninety two 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 nineteenth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

Bye Roads in the  
County of King's.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred and thirty nine 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 nineteenth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

Bye Roads in the  
County of  
Northumberland.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred and thirty two 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 nineteenth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

Bye Roads in the  
County of Victoria.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of two hundred and twenty one pounds for the several Bye Roads in the County of Victoria, to be applied and expended agreeably to a Resolution of the House of Assembly passed on the nineteenth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council; and the further sum of four hundred and forty seven pounds granted in the year one thousand eight hundred and fifty for the Bye Roads in the County of Victoria, and not drawn from the Treasury, the same to be re-appropriated and applied and expended towards the improvement of the Bye Roads in the said County of Victoria, agreeably to the said Resolution of the nineteenth day of April one thousand eight hundred and fifty one.

Bye Roads in the  
County of York.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of four hundred and eleven 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 nineteenth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council; and the further sum of one thousand and sixty six pounds five shillings granted in the year one thousand eight hundred and fifty for the Bye Roads in the County of York, and not drawn from the Treasury, the same to be re-appropriated and applied and expended towards the improvement of the Bye Roads in the said County of York, agreeably to the said Resolution of the nineteenth day of April one thousand eight hundred and fifty one.

Bye Roads in the  
County of  
Westmorland.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of three hundred and seventy eight pounds for the several Bye Roads in the County of Westmorland, to be applied and expended agreeably

agreeably to a Resolution of the House of Assembly passed on the nineteenth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor or Administrator of the Govern- Bye Roads in the  
County of Queen's.  
ment for the time being, the sum of three hundred and eighty three 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 first day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor or Administrator of the Govern- Bye Roads in the  
County of Kent.  
ment for the time being, the sum of two hundred and eighty one 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 first day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor or Administrator of the Govern- Bye Roads in the  
County of  
Charlotte.  
ment for the time being, the sum of four hundred and fifty two 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 second day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council; and also the sum of fifty pounds granted in one thousand eight hundred and fifty to improve the Sewer, widen the Roads, and for other improvements on the Eastern Commons in Saint Andrews, and not drawn from the Treasury, to be re-appropriated and expended in repairing the Frye Road in Saint Andrews.

To His Excellency the Lieutenant Governor or Administrator of the Govern- Bye Roads in the  
County of St. John.  
ment for the time being, the sum of three hundred and twenty eight 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 fourth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor or Administrator of the Govern- Bye Roads in the  
County of Sunbury.  
ment for the time being, the sum of two hundred and thirty one 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 fifth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council.

To His Excellency the Lieutenant Governor or Administrator of the Govern- Bye Roads in the  
County of Carleton.  
ment for the time being, the sum of two hundred and fifty five 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 fifth day of April in this present year of our Lord one thousand eight hundred and fifty one, and concurred in by the Legislative Council; and the further sum of twenty pounds granted in one thousand eight hundred and forty nine for the Road leading past the Court House, and also the sum of twenty five pounds granted in one thousand eight hundred and fifty for the Williamstown Road, in the County of Carleton, and not drawn from the Treasury, to be re-appropriated and applied and expended towards building a Bridge over the Becaguimic River.

Great Road,  
Baptist Meeting in  
Upham to Church  
in Sussex.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of fifty pounds towards improving the Great Road leading from the Baptist Meeting House in Upham to the Church in Sussex.

Great Road,  
Magaguadavic to  
Lower Trout  
Brook Bridge.

To His Excellency the Lieutenant Governor or Administrator of the Government for the time being, the sum of seventy five pounds to be expended in opening out, altering and improving the Great Road between the Town of Magaguadavic and Lower Trout Brook Bridge, on the Great Road between Saint Andrews and Fredericton.

Re-appropriation of  
Money granted for  
Bye Roads by Act  
13 V. c. 22.

II. And be it enacted, That the several sums of money granted for the Bye Roads in the several Counties of this Province in and by an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province*, and not drawn from the Treasury and expended, as provided in and by the said Act, (save and except such parts thereof as are hereinbefore re-appropriated,) be and the same are hereby re-appropriated for the improvement of the said Bye Roads, and shall and may be applied and expended as directed in and by the said Act, on or before the first day of October next.

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

III. And be it enacted, That 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 parts of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making or repairing of the same may be let by auction to the lowest bidder; and in all such cases, such Commissioners respectively are hereby required to put a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the work is to be done; which notice shall specify and describe the work to be performed, and also the place, day and hour when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment or allotments, and at the same time to enter into written contracts for the faithful performance of the work, in time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of such 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 authorized to administer,) one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next,

Duty of Commissioners in expending the money.

Accounts to be rendered in duplicate.

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.

IV. And be it enacted, That 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 Her Majesty's Executive Council.

Money to be paid by the Treasurer by Warrant.

V. And be it enacted, That the said Commissioners intrusted with the expenditure of the said several and respective sums of money, shall for their time and trouble 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.

Compensation to Commissioners.

VI. And be it enacted, That 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.

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

VII. And be it enacted, That 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.

No money to be expended on alterations not recorded.

VIII. And be it enacted, That 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.

Commissioners to enter into Bonds for due performance of duties.

### CAP. XV.

An Act to revive and continue certain Acts of Assembly providing for expenses of the Legislature.

Passed 30th April 1851.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of Her present Majesty, intituled *An Act further to provide for the expenses of the Legislature*; also an Act made and passed in the tenth year of the same Reign, intituled *An Act to provide for the expenses of the Speaker and Members of the House of Assembly*, be and the same are severally revived and continued during the continuance of the present House of Assembly and no longer.

Acts 3 V. c. 69, & 10 V. c. 11, revived and continued.

### CAP. XVI.

An Act to consolidate and amend the Laws providing for the maintenance of Light Houses in the Bay of Fundy.

Passed 30th April 1851.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for maintaining*

Act 2 W. 4 c. 9, and,

S V. c 86, repealed.

*taining Light Houses within the Bay of Fundy*; also an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to repeal an Act, intituled 'An Act to amend an Act to provide for maintaining Light Houses within the Bay of Fundy,' and to substitute other enactments in lieu thereof*, be and the same are hereby repealed, save and except all acts and proceedings done and had under the authority thereof, and saving and reserving also the right of recovering any duties, penalties and forfeitures imposed, inflicted and incurred under the provisions of the said Acts hereby repealed.

Duty of 3d. per ton on Vessels arriving in any Port in the Bay of Fundy, granted for the support of Light Houses.

Rate for Vessels under 100 tons.

Proviso for Vessels arriving from without the Bay and visiting more Ports than one within it.

Duty to be paid to the Treasurer or Deputy Treasurer of the Port of arrival.

Penalty for neglect.

Receipts for the annual Duty to exempt from further payment, till 1st January following.

Commissioners to make public contracts for supplies, &c.

II. And be it enacted, That there be and there are hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the support of Light Houses already erected or which may be hereafter erected upon any of the Coasts of the Bay of Fundy, or upon any of the Islands or Rocks in or adjacent thereto, a Duty of three pence per ton which each and every vessel shall admeasure, agreeably to their Registers, which shall arrive at any port or place within the Bay of Fundy, excepting new vessels not registered, and also excepting vessels of one hundred tons and under, which shall pay as follows:—Every vessel of one hundred tons, and not less than seventy five tons, the sum of thirty five shillings per annum; every vessel of seventy five tons and under, and not less than fifty tons, shall pay the sum of thirty shillings per annum; every vessel of fifty tons and under, and not less than thirty five tons, shall pay the sum of twenty five shillings per annum; and all other vessels under thirty five tons shall pay the sum of twelve shillings per annum; provided always, that vessels arriving from any port or place without the Bay of Fundy, shall not be liable to pay the Duties herein imposed more than once, notwithstanding they may, in order to complete their voyages, have occasion to visit several ports or places within the said Bay; and provided also, that no ship or vessel shall be liable to pay the Light Duties herein imposed more than six times in any one year.

III. And be it enacted, That all the Light Duties imposed in and by the preceding section of this Act, shall be paid by the master, owner or consignee of each and every vessel, at the time of arrival of such vessel at any port or place within the Bay of Fundy, to the Treasurer of the Province, or to any Deputy Treasurer at or near the port or place where such vessel may arrive, who are hereby severally authorized and required to demand and receive the same; and upon the neglect or refusal of any master or person having charge of, or any owner or consignee of any such vessel so arriving as aforesaid, to pay the Duties imposed by this Act, the same shall be recovered upon application to any one of Her Majesty's Justices of the Peace at or near the place where such neglect or refusal shall take place, and levied by Warrant and distress under the hand and seal of such Justice, and sale of the guns, boats, tackle, apparel and furniture of such vessel, and the overplus, if any, after deducting the costs of such distress and sale, shall be paid to the master or person having charge of such vessel.

IV. And be it enacted; That receipts given by the Treasurer, or any Deputy Treasurer, for the annual Duty upon any vessel, which receipt the said Treasurer or Deputy Treasurer is hereby required to give, shall exempt such vessel from the payment of any further Duty until the first day of January following, after which date such vessel shall be liable, upon its first arrival at any port or place within the Bay of Fundy, to the payment of the annual Duty imposed by the second section of this Act.

V. And be it enacted, That the Commissioners who may be appointed by the Lieutenant Governor or Administrator of the Government for the time being, to maintain or erect Light Houses upon any of the Coasts or Islands within this Province,

Province, shall make public contracts for furnishing all necessary supplies for such Light Houses, and for erecting new Light Houses, and for all necessary alterations and repairs that may be required to any Light House or Keeper's House, giving at least four weeks notice for public competition; and shall in all cases accept the lowest tenders, which are accompanied with the proper securities for the due performance of such contract; and the said Commissioners to be hereafter appointed, shall have power to appoint, and also at their pleasure to remove, the Keepers of the several Light Houses under their charge respectively; and also to make, ordain, establish and enforce all necessary rules and regulations for the proper and orderly lighting and keeping such Light Houses; and shall annually, on or before the twentieth day of January, render to the Secretary of the Province an account in detail, duly attested, of all contracts and expenses by them incurred, to be by him laid before the Lieutenant Governor or Administrator of the Government for the time being, for the information of the General Assembly.

To have power to appoint and remove Light House Keepers; to make regulations and to render Accounts annually.

VI. And be it enacted, That all moneys which shall or may be received under and by virtue of this Act, or which have been received under any former Acts for the purpose of erecting and supporting Light Houses, shall be applied to the support of the several Light Houses in the Bay of Fundy, and such other Light Houses as may be hereafter erected in the said Bay, and paid for such purposes by Warrant of the Lieutenant Governor or Administrator of the Government for the time being; and any surplus Light money which may remain after providing for all the above purposes, shall be kept separate from the Ordinary Revenues of the Province, unless disposed of by a special Act to be passed for this purpose.

Moneys collected to be paid out for Light House purposes by Warrant of the Lieut. Governor.

VII. And be it enacted, That the Commissioners to be appointed under and by virtue of this Act, shall not exceed the number of five, and they shall have the superintendence of all Light Houses in and near the Bay of Fundy, including such as are supported at the joint charge of this Province and Nova Scotia, and all Harbour Lights.

Commissioners not to exceed five in number, and to have the charge of all the Light Houses within the Bay of Fundy.

VIII. And be it enacted, That the Commissioners of Light Houses to be appointed under and by virtue of this Act, shall not be entitled to receive any Commissions for their services, but that one Superintendent shall be appointed by the Executive Government from said Commissioners, who shall receive for his services a sum not exceeding one hundred pounds.

Commissioners not to receive any commission for their services; but one Superintendent with a Salary to be appointed.

IX. And be it enacted, That the Superintendent so appointed under this Act, shall perform all the duty under the direction of the Commissioners; and that the salary above provided for shall be in compensation for such duty and expenses of attending the Light House Stations, and other expenses attendant on the duties of his office, and office rent.

Superintendent to perform all the duties under the direction of the Commissioners; and Salary to be in full of all contingent expenses.

### CAP. XVII.

An Act to authorize the issue of Treasury Debentures to raise money for the purpose of being loaned for rebuilding a part of the City of Fredericton destroyed by fire in the month of November one thousand eight hundred and fifty.

*Passed 30th April 1851.*

**W**HEREAS the erection of fire proof buildings in that part of the City of Fredericton destroyed by the conflagration in November last, is an object of general interest, not merely to the actual sufferers, but also to the community at large, as tending to the security of life and property, and the stability of mercantile affairs: And whereas the expense of fire proof materials is such

Preamble.

' as

‘ as to place them beyond the immediate reach of many responsible persons, from  
 ‘ whose landed property or other resources, nevertheless, an eligible and com-  
 ‘ petent security might be obtained for such loan as may be extended to them : And  
 ‘ whereas it is deemed expedient to authorize the issuing of Treasury Debentures  
 ‘ for the purpose of creating a valuable security, to be distributed and applied  
 ‘ towards the erection of such buildings, under certain restrictions, provisoes and  
 ‘ limitations hereinafter set forth ;’

£12,000 granted to  
 the Lieut. Governor  
 to be raised and  
 loaned to the  
 sufferers by the fire  
 in Fredericton on  
 11th Nov. 1850.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be and there is hereby granted to the Lieutenant Governor or Administrator of the Government for the time being, a sum not exceeding Twelve thousand pounds, to be raised as hereinafter mentioned, and loaned on good securities to such of the sufferers by the said conflagration, or to the owners in fee or the lessees of the several lots of land within that portion of the City of Fredericton destroyed by fire on the eleventh day of November last, who may require a loan or loans of money, and make application for any part thereof under the regulations and according to the provisions hereinafter enacted.

Commissioners to  
 be appointed to  
 give effect to this  
 Act, and to whom  
 written specific  
 applications for  
 loans are to be  
 made.

II. And be it enacted, That 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 and consent of Her Majesty's Executive Council, to appoint three or more fit and proper persons to act as Commissioners for the purposes of this Act, to whom all applications for Loans under the provisions of this Act shall be made ; that every such application shall be in writing, subscribed with the name of the applicant, and his proposed co-obligor, that it shall particularly specify and describe the situation and extent of the real estate, lands, tenements and hereditaments which will be affected by the bonds or obligations proposed to be given, the existing incumbrances, if any, and the value, with a description also of the lot, piece or parcel of land on which the contemplated buildings are proposed to be erected, its situation, extent, and incumbrances, if any, the tenure by which it is held, and a particular description of the buildings and improvements which the applicants propose and intend to erect thereon ; and it shall be the duty of the said Commissioners carefully to investigate the said security, to examine the public records, and to ascertain by every means in their power whether the securities offered by the said applicants are sufficient to warrant a Loan, and to what amount, and to deliver to the said applicant or applicants a report of the same, in writing, under the hands of such Commissioners, or a majority of them, with a recommendation of the amount to be loaned to such applicant or applicants, in no case to be more in amount than two thirds the estimated value of the securities, and no Loan to be made to any applicant or applicants exceeding the sum of five hundred pounds ; and it shall be the duty of such Commissioners at the time of delivering such report, to require from the applicant or applicants a security, by bond, for the repayment of the amount specified in the said recommendation, as hereinafter directed ; and also a further bond to Her Majesty, executed by the applicant and one approved surety, in a penal sum double the amount of the sum so recommended to be loaned, and conditioned that the said applicant or applicants, or his or their assigns, shall erect or build upon the lot, piece or parcel of land described in such bond, a building externally composed of fire proof materials, and covered with a roof of slate, metal or tile, corresponding with the description set forth in the original application hereinbefore mentioned.

Commissioners to  
 investigate the facts  
 and deliver to the  
 applicant a Report  
 recommending an  
 amount of loan not  
 exceeding £500.

Security to be  
 taken on delivery of  
 the recommenda-  
 tory report.

Bond to be taken  
 in the name of Her  
 Majesty.  
 Conditions.

III. And be it enacted, That the money bond to be taken by the Commissioners as aforesaid, shall be taken in the name of Her Majesty, Her Heirs and Successors, in double the amount of the sum recommended to be loaned, and conditioned for

for the payment of the said sum when thereto demanded, and for the payment of the legal interest, payable and to be paid annually to the Treasurer of the Province for the time being, at his Office at Saint John, or wheresoever the same may be held; and it shall be the duty of the said Commissioners forthwith to file such bonds in the Office of the Secretary of the Province.

IV. And be it enacted, That 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 and consent of Her Majesty's Executive Council, upon receiving such application, with the report and recommendation of the said Commissioners, or a majority of them as aforesaid, and their certificate that the hereinbefore mentioned bonds have been made, executed and delivered to the satisfaction of the said Commissioners, and by them lodged in the Office of the Secretary of the Province, after examination and approval of such bonds, to issue his Warrant to the said Treasurer of the Province, directing the issue of a Debenture or Debentures to the amount recommended, to be delivered by such Treasurer to the party applicant, or to his order.

V. And be it enacted, That the bonds to Her Majesty to be made and taken as aforesaid, shall, upon due and legal proof, be recorded in the Office of the Registrar of Deeds and Wills of the County or Counties in which the lands to be affected thereby are situated; and that such bonds and securities shall bind the buildings and other property erected by the money loaned, in addition to the real property of the respective obligors or persons giving such securities.

VI. And be it enacted, That it shall and may be lawful for the Treasurer of the Province, and he is hereby required when thereunto directed by order of the Lieutenant Governor as hereinbefore mentioned, to prepare, make and issue, or cause to be prepared, made and issued, Treasury Debentures not exceeding in the whole twelve thousand pounds currency, payable at the expiration of ten years after the day of the date thereof, with interest, payable annually, at the rate of six per centum per annum; and that the said Debentures shall be numbered according to their classes, in numerical order, beginning in each class with the number one, and be issued in the classes and the numbers following, that is to say,—

Class A.—Sixty Debentures of one hundred pounds each.

Class B.—Thirty Debentures of two hundred pounds each.

VII. And be it enacted, That the said bonds and obligations, after the same shall have been duly recorded as hereinbefore provided, shall be deposited in the Office of the Treasurer of the Province, and it shall be the duty of the said Treasurer, and he is hereby required from time to time annually as the same falls due, to collect the interest due upon the money bonds, and account for the same as for other public moneys coming into his hands.

VIII. And be it enacted, That the interest accruing upon the said Treasury Debentures shall be paid annually by the said Treasurer out of any moneys in the Treasury, upon the production of the said Debentures respectively at the Treasurer's Office, and the interest thereon paid shall be endorsed thereon, and a receipt for the same, referring to the proper Debenture, delivered to the Treasurer as his voucher for the payment thereof.

IX. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, at any time after the expiration of nine years from the date of the bonds authorized to be taken by virtue of this Act, to direct the Treasurer of the Province to call in and enforce the payment of

On receipt of the application with the recommendatory report of Commissioners, &c. Treasury debentures to be delivered to the applicant.

Bonds upon due proof may be recorded in the Register's Office.

Treasurer to prepare herein specified debentures when required.

Bonds when completed to be lodged with the Provincial Treasurer who is to collect and account for the interest.

Interest on the debentures to be paid annually at the Treasurer's Office.

After the expiration of nine years from the date of the Bond, payment may be enforced.

of the principal and interest due upon the same, twelve months notice of such requisition having been first given in writing to the respective obligors or their legal representatives, or published during that period in the Royal Gazette of this Province.

No proceedings to be had on any application unless the expenses agreeably to a Schedule established by the Lieut. Governor in Council be secured.

X. And be it enacted, That the amount of costs, charges and expenses attending the application to be made under this Act, shall be defined and settled by His Excellency the Lieutenant Governor in Council, and a scale or schedule thereof shall be delivered to such Commissioners as may be appointed under the same; and if the party or parties applicants shall not secure or deposit the amount to the satisfaction of such Commissioners, no proceedings shall be by them taken on such applications.

Mode of cancelling debentures when paid off.

XI. And be it enacted, That all Treasury Debentures mentioned in this Act which shall from time to time be paid off and discharged, shall be cancelled and made void by the party holding the same receipting the several Debentures, by stating the amount of the principal and interest received on the same, and writing his or their name or names thereupon in words at length; and that after such Debentures shall be so paid off, the Treasurer of the Province for the time being shall make report thereof to the Lieutenant Governor or Administrator of the Government for the time being, for the purpose of being laid before the House of Assembly at its then next Session, and that after the accounts of the payment of the said Debentures shall be audited and allowed, the said Debentures shall be burnt or destroyed as being of no further use.

Penalty for forging or altering any debentures.

XII. And be it enacted, That if any person or persons shall forge, counterfeit or alter any of the said Debentures to be issued and made by virtue of this Act, he, she, or they, on conviction thereof, shall be deemed guilty of forgery, and liable to all the pains, penalties and forfeitures legally consequent thereon.

Form of the Treasury debentures.

XIII. And be it enacted, That the said Treasury Debentures shall be in the following form, that is to say,—

Class —

Number —

*Treasury Department, Province of New Brunswick.*

Whereas by virtue of an Act of the General Assembly made and passed in the fourteenth year of the Reign of Queen Victoria, intituled *An Act to authorize the issue of Treasury Debentures to raise money for the purpose of being loaned for rebuilding a part of the City of Fredericton destroyed by Fire in the month of November one thousand eight hundred and fifty*, — hath made application for aid under the provisions of the said Act to erect a Building or Buildings, of fire proof material, on the lot, piece or parcel of Land situated in Fredericton aforesaid, and described as follows:—

which application has been approved of according to law, and a Treasury Debenture to the amount of — hath been awarded to him as the Act directs.

Now, therefore, this Debenture is chargeable on the moneys which may be in the Treasury of the said Province, or which may be paid into the same on or after the — day of —, which shall be in the year of our Lord one thousand eight hundred and —, for the said sum of —, together with interest which may be due thereon at and after the rate of six per cent.; the said interest to be paid annually, agreeably to the provisions of the said Act; the said principal and interest, or either of them, to be paid to the said —, or to such person or persons as he (or she) shall authorize to receive the same.—Given under my  
hand

hand this — day of — in the year of our Lord one thousand eight hundred and —.

Debenture, £ —  
Annual Interest, —

Province Treasurer.

FORM OF TRANSFER.

Form of Transfer.

I, [the person named in the within Debenture,] do hereby authorize —, or such person as he shall appoint, to receive the amount of the within Debenture, and interest thereon.

FORM OF RECEIPT.

Form of Receipt.

Received from —, Province Treasurer, the sum of —, being one year's interest on Treasury Debenture, Class —, Number —, up to the — day of — one thousand eight hundred and —.

CAP. XVIII.

An Act for shortening the Language used in Acts of Assembly in this Province.

Passed 30th April 1851.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That every Act to be passed after the commencement of this Act, may be altered, amended or repealed in the same Session, any law or usage to the contrary notwithstanding.

Acts may be altered, amended or repealed in the same session.

II. Be it enacted, That all Acts shall be divided into Sections if there be more enactments than one, which Sections shall be deemed to be substantive enactments without any introductory words.

Sections to be deemed substantive enactments without introductory words.

III. Be it enacted, That where any Act repealing in whole or in part any former Act is itself repealed, such last repeal shall not revive the Act or provisions before repealed, unless words be added reviving such Act or provisions.

Repealed Acts not to revive.

IV. Be it enacted, That wherever any Act shall be made repealing in whole or in part any former Act, and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last made Act.

Repealed enactments to remain in force till the substitution comes in force.

CAP. XIX.

An Act to amend the Law relative to the administration of Criminal Justice.

Passed 30th April 1851.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the thirty sixth section of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to consolidate and improve the Laws relative to the administration of Criminal Justice*, be and the same is hereby repealed.

Act 12 V. c. 30, s. 36, repealed.

II. 'And in order to prevent justice from being defeated by clerical or verbal inaccuracies in prosecutions for Forgery;' Be it enacted, That in all informations or indictments for Forgery, or in any manner uttering any deed, writing, instrument, or other matter whatever, it shall not be necessary to set forth any copy or fac simile thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same, any law, usage or custom to the contrary notwithstanding.

Unnecessary to set forth a copy or fac simile in informations for forgery or uttering.

Form of certificate  
of the Clerk of the  
Circuits or his  
Deputy mentioned  
in 12 V. c. 30, s. 68.

III. And be it enacted, That the certificate required by the sixty eighth section of the said recited Act to be signed and delivered or transmitted by the Clerk of the Circuits or his Deputy, as in the said section mentioned, shall be in the form as near as may be, or to the effect mentioned in the annexed Schedule, with the necessary alterations to adapt it to the circumstances; and that the same certificate shall have all the effect given in and by the said section to the certificate therein mentioned, in the same manner and to the same extent as if the said Schedule had been annexed to the said recited Act.

#### SCHEDULE.

Whereas at the Session of Oyer and Terminer and General Gaol Delivery held for the — of — on — before, among others, —, one of the Justices of the Supreme Court, and — Justices of Oyer and Terminer and General Gaol Delivery, [*here name the Quorum Commissioners,*] A. B., late of —, Labourer, having been found guilty of Felony, and judgment thereupon given, that [*state the substance,*] the Court before whom he was tried reserved a certain question of law for the consideration of the Justices of the Supreme Court, and execution was thereupon respited in the meantime.

This is to certify, that it having been considered by the said Justices of the said Supreme Court, at Fredericton, in — Term, in the — year of the Reign of —, that the Judgment aforesaid should be annulled, and an entry made on the Record that the said A. B. ought not, in the judgment of the said Justices, to have been convicted of the felony aforesaid, you are therefore hereby required forthwith to discharge the said A. B. from your custody.

To the Sheriff or Gaoler of —, and all others whom it may concern.

(Signed) E. F., Clerk of the Circuits for [*as the case may be.*]

#### CAP. XX.

An Act in further amendment of the Law.

*Passed 30th April 1851.*

Special demurrers  
abolished.

Proviso.

Amendments in  
any process or pro-  
ceeding to be  
allowed by a Judge  
or Court, at  
discretion.

In actions of  
ejectment a joint  
demise of the  
lessors of the  
plaintiff to be  
sufficient.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no special demurrer in any of the Courts of Common Law in this Province shall in any case hereafter be allowed, any law, usage or custom to the contrary notwithstanding; provided always, that in all cases of duplicity, informality, or other ground of special demurrer under the present practice of the Supreme Court, in any pleading, the same may be objected to before any Judge of the said Courts, and allowed or refused on such terms as may be deemed just.

II. And be it enacted, That amendments in any process, pleading, or other legal proceeding, shall at any time be made and allowed, with or without a rule or order for that purpose, by any Judge or Court at discretion, either at Chambers, at Nisi Prius, or at Bar, and in no case shall an amendment be refused unless it shall be apparent to the Judge or Court, by affidavit or otherwise, that manifest injustice to the opposite party would be the result of such amendment, and that such injustice could not be prevented by granting further time to the opposite party, and the amendments may be made on such terms as to payment of costs and other conditions as may be deemed necessary.

III. And be it enacted, That in all actions of ejectment a joint demise of the lessors of the plaintiff shall in all cases be sufficient, and shall be deemed to be joint or several as the facts of the case may require, and shall have all the force and effect that several demises now have or heretofore have had.

CAP.

## CAP. XXI.

An Act relative to Recognizances for the appearance of persons on criminal charges.

*Passed 30th April 1851.*

**W**HEREAS it is expedient that the sureties of persons admitted to bail on criminal charges should be allowed to surrender such persons into the proper place of custody in discharge of their Recognizances, on reasonable grounds shewn therefor: And whereas some further provisions are necessary in respect to such Recognizances;

Preamble.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, in manner following, that is to say,—

1. The sureties of any person bound by Recognizance to appear to answer upon any charge of felony or misdemeanor at any Court of Criminal jurisdiction, may apply to a Judge of the Supreme Court, upon affidavit, shewing the grounds of such application, accompanied by a certified copy of the Recognizance, for an order to render such person to the common gaol of the County or City and County in which the alleged offence is to be tried.

Sureties for appearance to answer a felony or misdemeanor may apply to a Judge for an order to render the person to the common gaol.

2. Such Judge may, and he is hereby authorized, upon such application, if he shall in his discretion think fit, to make an order in writing under his hand for the render by such sureties of the person so charged to the proper gaol in discharge of the Recognizance.

Judge may make a written order for the render.

3. Such sureties may under and by virtue of such order arrest and take the body of the person so to be rendered, and him safely keep, convey and deliver into the custody of the keeper of the gaol designated in such order, at the said gaol, which order shall also be delivered to the said keeper with the said body, and such keeper is thereupon required to receive and imprison such person in the said gaol, and shall be charged with the keeping of the same until he shall be discharged in due course of law, in the same manner as if he had been committed by any Justice or other proper authority to answer to the alleged offence.

Sureties under such order may take and deliver the body to the keeper of the gaol designated in the order.

4. Provided always, that such person so committed may apply to a Judge of the Supreme Court to be again admitted to bail, which Judge may on examination of the case, in his discretion, allow or refuse an order for such bailment, and may make such order thereupon as to the number of sureties and the amount in which the Recognizance shall be taken, as to him may seem meet; which order shall be dealt with in the same manner as now by law provided for the bailment of prisoners on criminal charges, and so toties quoties in case of render by the new sureties.

Person so rendered may apply to be again admitted to bail.

5. On due proof made to a Judge of the Supreme Court of render by the sureties, and on the certificate of the Sheriff of the County or City and County, duly proved by the affidavit of a subscribing witness before a Judge or Commissioner to take affidavits, that such person has been so rendered, it shall and may be lawful for such Judge, and he is hereby authorized, to direct an entry of such render to be made in the margin or on the back of the Recognizance by the officer having charge of such Recognizance, which entry shall have the effect of vacating such Recognizance, or may be pleaded or alleged in discharge thereof.

On proof of render by the sureties, an entry to be made on the Recognizance.

6. It shall and may be lawful for the sureties of any person charged with and bound to appear to answer to any charge of felony or misdemeanor, to bring him to the Court at which he is bound to appear, during the sitting of the same, and there by leave of the Court to render him in discharge of the Recognizance, either before, upon or after his arraignment, whereupon he shall be committed to the common gaol, there to remain until discharged by due course of law; provided always,

Sureties may bring the person charged into Court at which he ought to appear, and there by leave, render him.

always, that such Court may, in its discretion, admit such prisoner again to bail for his appearance during the said sitting of the said Court when called for, or at any adjournment thereof, or upon any particular day or time during such sitting or adjournment, or any subsequent Court or Sitting, as to such Court may seem meet.

Recognizance not to be deemed fulfilled upon arraignment or conviction, unless the person be duly rendered as before enacted.

7. The Recognizance for the appearance of any person to answer to any charge of felony or misdemeanor shall not be deemed fulfilled or discharged upon the arraignment of such person upon any indictment or information therefor, nor upon his conviction of the offence therein charged, but shall be held to continue good, valid and effectual for the appearance of such person for trial or sentence, as the case may be, unless he shall be duly rendered in discharge of the Recognizance as hereinbefore enacted; provided always, that nothing herein contained shall be held or construed to prevent the Court before which such arraignment or trial shall be had from committing such person to the gaol upon such his arraignment or trial notwithstanding such Recognizance, or from requiring new or additional sureties for his appearance for trial or sentence, as the case may be; provided also, that when such commitment is duly made, it shall operate as a discharge from further liability on such Recognizance.

Commencement and limitation of Act.

8. This Act shall take effect from the passing thereof as to all Recognizances already made or hereafter to be made, and shall continue in force until the first day of May in the year of our Lord one thousand eight hundred and sixty.

CAP. XXII.

An Act relating to the Registry of Decrees of Partition made in the Court of Chancery.

*Passed 30th April 1851.*

Preamble.

‘ WHEREAS the Registry of Decrees of Partition made in the Court of Chancery in extenso is attended with great and unnecessary expense;’

Memorial of any decree of partition in Chancery may be registered in the County Register in lieu of the decree in extenso.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act a Memorial of any Decree of Partition made in the Court of Chancery may be registered in the Office of Register of Deeds for any County, in the manner provided for registering the Decrees of the said Court in and by the fourth section of an Act made and passed in the second year of Her present Majesty, intituled *An Act relating to the Partition of Lands, Tenements and Hereditaments, held in Co-parcenary, Joint Tenancy, and Tenancy in Common*, in lieu of the Decree in extenso; provided always, that nothing in this Act contained shall be considered to prohibit the Registry of any Decree in Chancery in full, as provided in and by the said recited Act; and that the Memorial so to be registered shall be in the form A in the Schedule to this Act annexed.

Certified copy of the memorial from the Register to be evidence.

II. And be it enacted, That a copy from the County Registry of such Memorial, duly certified by the Register of Deeds, shall be admitted in evidence in such cases, and under such rules and restrictions as a copy of a registered Deed taken from such County Register would be admitted.

SCHEDULE A.

*New Brunswick, in Chancery.*

Form of memorial for Registry.

Cause, { A. B., Complainant,  
and  
C. D., Defendant.

These are to certify, that in and by a Decree of this Honorable Court, bearing date the — day of —, A. D. —, the following partition of lands, mentioned in

in the pleadings of this cause, was ordered and decreed, viz: [*here insert the several portions, and the names of the respective parties in full, as well as their several tenures.*].—Given under the Seal of this Court this — day of —, A. D. —

[L. S.]

D. L. R., Register.

## CAP. XXIII.

An Act to authorize the confirmation of Certificates of Bankruptcy in certain cases.

*Passed 30th April 1851.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That every Certificate of Conformity, whether absolute or conditional, ordered or made under and by virtue of the Acts relating to Bankruptcy, or any of them, heretofore in force in this Province, may be confirmed, or the confirmation of the same may be applied for agreeably to the provisions of the said Acts, or any of them, within twelve calendar months after the passing of this Act, in the same manner in every respect as if the said Acts had not been repealed, any Law to the contrary notwithstanding; provided always, that nothing in this Act contained shall extend or be construed to extend to revive the said Acts, or any of them, except for the purposes in this Act provided.

Certificates of conformity under the Bankrupt Acts may be confirmed or the confirmation applied for within twelve months from the passing of this Act.

## CAP. XXIV.

An Act to secure to Married Women Real and Personal Property held in their own right.

*Passed 30th April 1851.*

**I. B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the real and personal Property belonging to a Woman before or accruing in any way after marriage, except as hereinafter excepted, shall be owned as her separate property, and shall be exempt from seizure, execution, attachment, detention, or responsibility in any way for the debts or liabilities of her husband, and shall not be conveyed, mortgaged, encumbered, or disposed of without her full consent and concurrence, testified by her being a party to the instrument conveying, mortgaging, encumbering or disposing of the same, and duly acknowledged, as provided in and by the Act of Assembly regulating the acknowledgements of feme coverts; provided always, that her said separate property shall be liable for her own debts, contracted before marriage, and for judgments recovered against her husband for her torts.

Property acquired by a Woman before or after marriage to be exempted from liability for the debts of her husband and inalienable except by her being a party to the deed.

**II.** Be it enacted, That the exemption hereinbefore provided shall not be held to extend to any property received by any married woman from her husband during coverture.

Property received from her husband during coverture not exempted.

**III.** Be it enacted, That in case of desertion or abandonment by her husband, it shall and may be lawful for any married woman, in her own name, and for her own use, to sue for, recover and receive from any person or persons indebted or liable to her, in her separate capacity, for debts due and owing to her, or for damages for injuries to herself or her separate property, such debt, debts or damages, or withholding from her any property, real or personal, being her separate property, and no receipt, discharge, deed, release, or commutation thereof, given or made by her said husband after such desertion or abandonment, shall be valid or effectual to bar her said claim; and in any suit so brought, said married woman, and all her separate property, shall be held liable for all costs of suit, as in cases of the like nature brought by other parties in the several Courts of Law in this Province.

In cases of desertion a married woman may sue for debts, &c.

Act not to affect right of dower, or right of the husband otherwise than as is expressed.

Property accumulated by a married woman during desertion to be at her sole disposal.

IV. Be it enacted, That nothing in this Act contained shall be held to affect the right of dower of any married woman in the property of her said husband, or the right of any husband in the property of his said wife, otherwise than as herein expressly provided.

V. Be it enacted, That when any married woman shall be deserted by her husband, or compelled to support herself, and she shall, under such circumstances, accumulate property by her own labour and exertions, the same shall vest absolutely in her, and shall neither be liable to the debts nor subject to the control or interference of her said husband, but shall be at her own sole disposal, free and clear of her said husband.

### CAP. XXV.

An Act relating to Grand Juries in this Province.

*Passed 30th April 1851.*

Preamble.

‘ **W**HEREAS it is deemed advisable to vest the nomination of the Foreman of Grand Juries in the members of the Grand Jury ;’

Grand Juries after being called over in Court to retire and nominate their Foreman.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, upon the meeting of any Grand Jury summoned to attend any Court in this Province, and upon their being called over in open Court, under the direction of the presiding Justice, the said members of the said Grand Jury shall retire to their jury room, under the charge of the Sheriff or his Deputy, and shall then and there by a majority of votes of those present, nominate one of their number to be their Foreman; and upon such nomination the said Sheriff or his Deputy shall declare in open Court the name of the person so nominated, who shall thereupon be appointed by the Court to be the Foreman of such Jury, and shall be duly sworn as such; provided always, that in case of an equal division of the Jury upon such nomination, the Sheriff or his Deputy shall have a casting vote; and in case no such nomination shall be made and declared as aforesaid within one hour from the time of the opening of the Court, the Foreman shall be appointed by the Court as heretofore accustomed.

On an equal division Sheriff to have the casting vote.

Court to appoint when Jury fails to do so within one hour.

### CAP. XXVI.

An Act to revive and continue an Act to provide for the better payment of Petit Jurors attending the several Courts of Record in the Province.

*Passed 30th April 1851.*

Act 11 V. c. 16, revived and continued till 1st May 1860.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act to provide for the better payment of Petit Jurors attending the several Courts of Record in this Province*, 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. XXVII.

An Act to provide for the transportation of Newspapers and Tracts through this Province without any imposition of Postage.

*Passed 30th April 1851.*

Preamble.

‘ **W**HEREAS the free and unrestricted diffusion of knowledge is an object of the first importance, and should receive every possible encouragement from the Legislature of this Province ;’

Be

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the fifth day of July next, no money charge or rate of Postage whatever shall be made or exacted for the transmission through or delivery by any Post Office in this Province now established or hereafter to be established, of any Newspaper or Newspapers, or of any Pamphlets or Tracts of less than two ounces in weight, any law, usage or custom to the contrary notwithstanding; provided nevertheless, that the condition of such free transmission and delivery shall in all respects be subject and according to the provisions of the fourteenth section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the establishment and regulation of Inland Posts within this Province.*

After 5th July next, no Postage to be charged on Newspapers, or Pamphlets or Tracts of less than two ounces in weight.

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CAP. XXVIII.

An Act to revive and continue an Act to alter and amend the Act to regulate Sales by Public Auction.

Passed 30th April 1851.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to alter and amend the Act to regulate Sales by Public Auction*, be and the same is hereby revived, continued and declared to be in full force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty six.

Act 10 V. c 53, revived and continued till 1st May 1856.

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CAP. XXIX.

An Act to revive and continue an Act to provide for the more effectual prevention of Trespasses and protection of Timber growing on the Crown Lands within this Province.

Passed 30th April 1851.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the third year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the more effectual prevention of Trespasses and protection of Timber growing on the Crown Lands within this Province*, be and the same is hereby revived, and continued and declared to be in full force until the first day of April which will be in the year of our Lord one thousand eight hundred and sixty.

Act 3 V. c. 77, revived and continued till 1st April 1860.

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CAP. XXX.

An Act to amend an Act to consolidate and amend the Laws relating to the Local Government of Counties, Towns, and Parishes.

Passed 30th April 1851.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That in addition to the powers conferred upon the General Sessions by the first article of the tenth section of an Act to consolidate and amend the Laws relating to the Local Government of Counties, Towns and Parishes within this Province, the General Sessions shall have full power and authority from time to time to make, revise, alter, amend and enforce all such rules as may be deemed necessary and proper for certain Districts, or the whole of the respective Counties, as the case may be, for the following purposes, namely, for breaking and keeping open snow roads in winter, and regulating the manner and mode of attaching shafts to, and driving of any sled, sleigh, pung, or any other description of vehicle, with one or more horse or horses, and to impose such fines and penalties as may be deemed necessary for the non-observance or breach thereof, not to exceed the sum of ten pounds, and to be recovered and applied in like manner as prescribed in and by the hereinbefore recited Act.

General Sessions empowered to make and enforce regulations for breaking snow roads, and the manner of attaching shafts to sleds, sleighs, &c.

CAP.

*14 Vict.* CAP. XXXI.

An Act for the protection and regulation of the Sea and River Fisheries of this Province.

*Passed 30th April 1851.*

No Salmon to be taken between 31st August and 1st of April.

Penalty.

Penalty for taking Salmon after sunset on Saturday, and before sunrise on Monday.

Penalties for spearing Salmon or selling or purchasing them, between 31st August and 1st April.

Governor in Council empowered to make regulations for the protection of all Fisheries off the Sea Coast or Islands, with penalties.

Governor in Council may appoint not exceeding two Wardens of the Fisheries in any County.

Their duty and liability.

Governor in Council may grant leases of Fishing Stations on the ungranted shores.

Leases to be sold at auction when there are several applicants for the same Station.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That no Salmon shall be taken in any manner whatever on the Coasts of this Province, or in any of the Bays, Rivers or Harbours of the same, where the Tide ebbs and flows, after the thirty first day of August in any year, nor shall any Salmon be taken by any device whatever in any of the fresh water Rivers or Streams of this Province after the said thirty first day of August in any year, under the penalty of ten shillings for each and every Salmon taken in any year after the several days mentioned and before the first day of April in the succeeding year.

II. And be it enacted, That whoever shall take any Salmon in this Province after sunset on Saturday night, and before sunrise on Monday morning, shall for each and every Salmon so taken, forfeit and pay the sum of ten shillings.

III. And be it enacted, That whoever shall take any Salmon by spearing either in the day time or by spearing with torch light, at any time between the thirty first day of August and the first day of April, or in any place, shall forfeit and pay for every Salmon so taken the sum of ten shillings, and shall further be liable to be imprisoned for any period not exceeding two days, at the discretion of the Magistrate before whom such penalty shall be recovered; and whoever shall sell or offer for sale, or shall between the thirty first day of August in any year, and the first day of April in the next succeeding year, purchase any Salmon caught or taken by spearing, shall forfeit and pay the sum of ten shillings for each Salmon so sold or offered or exposed for sale, or purchased as aforesaid.

IV. 'And for the better regulation of the Sea Fisheries of this Province,' Be it enacted, That the Lieutenant Governor in Council may make rules and regulations for the management and protection of all Fisheries on the Sea Coast of this Province, or around any Island laying off the said Sea Coast, between low water mark and three marine miles of such Coast or Island; and all Orders made by the Lieutenant Governor in Council, and published in the Royal Gazette, shall have the like force and effect as if contained in this Act; provided always, that such Orders in Council shall not impose any greater penalty than fifteen pounds, or any longer term of imprisonment than ten days.

V. And be it enacted, That the Lieutenant Governor in Council may appoint Wardens of the Fisheries, not exceeding two in any County of this Province, whose duty it shall be to watch over and protect the Sea and River Fisheries, and to enforce or cause to be enforced all the provisions of the Acts of Assembly, the rules and regulations of the Justices in Sessions or Municipal authorities, or Orders in Council, with relation to such Fisheries; which Wardens shall be subject to the directions of the Governor in Council, and liable to such penalties as may be imposed by Order in Council for misconduct or neglect of duty.

VI. And be it enacted, That the Lieutenant Governor in Council may grant leases or licences of occupation for Fishing Stations on the ungranted shores, beaches or islands of this Province, at fair and reasonable rents, such leases or licences of occupation not to be for any longer term or period than five years, and to terminate whenever the Fishing Station shall cease to be used for fishery purposes; and no Fishing Station shall be allowed to occupy the whole of any locality where there is space for more than one such Station; and in the event of several parties applying for the same Station, the lease of such Station shall be sold at public auction, after thirty days notice, the upset price being determined by

by the Lieutenant Governor in Council; provided always, that nothing herein contained shall interfere with or be construed to affect the rights of parties in lands or privileges heretofore granted.

VII. And be it enacted, That no Herrings whatsoever shall be taken or caught in any manner on the spawning ground at the Southern Head of Grand Manan between the fifteenth day of July and fifteenth day of October in any year, such spawning ground commencing at the eastern part of Seal Cove, at a place commonly known as Red Point, and thence extending along the Coast westerly, and around the Southern Head of Bradford's Cove, a distance of about five miles, and extending to the distance of one mile from the shore; and all nets or engines used for catching Herrings on the said spawning ground, within the period above limited, shall be seized and forfeited; and every person engaged in using the same shall be deemed guilty of a misdemeanor, and shall be arrested, prosecuted, and punished, as in other cases of misdemeanor.

Taking of Herrings prohibited on the spawning ground at specified places.

VIII. And be it enacted, That all fines and penalties recoverable under and by virtue of any section of this Act, not exceeding fifteen pounds, shall and may be recovered before any two Justices of the Peace, with costs of prosecution, and beyond that sum, shall and may be recovered before any Court of competent jurisdiction, with costs of prosecution; such penalty, when recovered, to be paid into the County Treasury, and to be appropriated one half to and for the Warden or Wardens who may have instituted proceedings for the recovery thereof, and the other half to and for the use of the said County.

Recovery of fines and penalties.

IX. And be it enacted, That nothing herein contained shall be construed to prevent the Warden or Wardens from being competent witnesses for the recovery of any penalties under this Act, for or by reason of their being entitled to any portion of the penalty so to be recovered.

Act not to prevent a Warden from being a competent witness.

X. And be it enacted, That the Wardens to be appointed under and by virtue of the sixth section of this Act, shall in addition to the proportion of any penalties recovered under and by virtue of the eighth section of this Act to which they may be entitled, shall be entitled to receive and demand of and from the Provincial Government, the sum of forty pounds for his services during the current year; provided always, that before any such sum shall be drawn from the public funds, it shall be certified to the Lieutenant Governor in Council that the County for which such Warden or Wardens has or have been appointed, has provided a similar sum for the payment of the said Warden or Wardens.

Wardens to receive £40 per annum from the Provincial Treasury if the County for which they are appointed pay the like amount.

XI. And be it enacted, That in every Dam now built or hereafter to be built or placed across the various Streams and Rivers in this Province, a proper and suitable Fishway shall be made and kept; provided that in those already erected, the proprietors thereof shall be allowed until the first day of October next to make the Fishway required in and by this Act.

Fishway to be made in dams across streams.

XII. And be it enacted, That no slabs or edgings, or other mill rubbish, saw-dust excepted, shall be allowed or put, directly or indirectly, by any person or persons, in any of the Rivers or Streams of this Province.

No mill rubbish except saw dust to be thrown into streams.

XIII. And be it enacted, That whoever shall be convicted of any breach of the provisions of the eleventh and twelfth sections of this Act, shall be subject to the like pains and penalties as provided in and by the third section of this Act, and be recoverable as hereinbefore provided.

Penalties for breaches of sections 11 and 12 to be as in section 3.

XIV. And be it enacted, That any person or persons prosecuting or giving evidence on any prosecution for the recovery of any penalty or penalties under the provisions of this Act, who shall be guilty of wilful and corrupt false swearing

Wilful and corrupt false swearing to be deemed perjury.

on such prosecution, shall be deemed guilty of perjury, and on conviction thereof before any Court of competent jurisdiction, shall be liable to all the pains and penalties imposed by law upon persons guilty of perjury.

### CAP. XXXII.

An Act to establish the Road leading from the Baptist Meeting House in the Parish of Upham, in King's County, to the Church in Sussex Vale, as one of the Great Roads of Communication.

*Passed 30th April 1851.*

Road from Baptist Meeting House in Upham to the Church in Sussex Vale made a Great Road.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from the Baptist Meeting House in the Parish of Upham, in King's County, to the Church in Sussex Vale, in the County aforesaid, via John Hagarty, Esquire, be and the same is hereby established as one of the Great Roads of Communication of the Province.

### CAP. XXXIII.

An Act to establish the Road leading from the Great Road running from Fredericton to the Finger Board, at or near James Tilley's, in the Parish of Sheffield, County of Sunbury, to the Great Road running from Fredericton to the Bend of Petitcodiac, as one of the Great Roads of Communication.

*Passed 30th April 1851.*

Road from near Tilley's, in Sheffield, to the Great Road from Fredericton to Petitcodiac, near Pendleton's Mill, constituted a Great Road.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from the Great Road running from Fredericton to the Finger Board, at or near James Tilley's, in the Parish of Sheffield, County of Sunbury, to intersect the Great Road running from Fredericton to the Bend of Petitcodiac, at or near Pendleton's Mill, Little River, be and the same is hereby established one of the Great Roads of Communication in this Province.

### CAP. XXXIV.

An Act to establish the Road from Lower Trout Brook Bridge, on the Great Road between Saint Andrews and Fredericton, to the Town of Magaguadavic, as one of the Great Roads of Communication.

*Passed 30th April 1851.*

Road from Lower Trout Brook Bridge, by the second Falls of the Magaguadavic, to the Town of Magaguadavic, constituted a Great Road.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Road leading from Lower Trout Brook Bridge, on the Great Road between Saint Andrews and Fredericton, by the second Falls of the River Magaguadavic, on the western side of the said River, to the Town of Magaguadavic, be and the same is hereby established as one of the Great Roads of Communication in this Province.

### CAP. XXXV.

An Act in further amendment of an Act, intituled *An Act for granting Patents for useful Inventions.*

*Passed 30th April 1851.*

Preamble.

4 W. 4, c. 34.

**W**HEREAS in and by the first section of an Act made and passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled *An Act for granting Patents for useful Inventions*, the power of granting Letters Patent for the Inventions specified in the said Act is limited to persons who at the time of application therefor are inhabitants of this Province, or who shall have resided therein for one year previous thereto: And whereas such limitation is prejudicial in its effects;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That so much of the first section of the said recited Act as limits the power of granting Letters Patent for the Inventions therein specified, to any person or persons who at the time of application therefor shall be an inhabitant or inhabitants of the said Province, or who shall have resided therein for one year previous thereto, be and the same is hereby repealed.

Act 4 W. 4, c. 34, so far as it restricts Patents to inhabitants or persons resident for one year, repealed.

II. And be it enacted, That if any Invention patented in this Province shall have been or shall be patented in any Foreign Country or Colony, or in any part of Great Britain, or the Colonies thereunto belonging, before the existence of the Patent granted therefor in this Province, then and in such case the Patent granted in this Province, under and by virtue of the Acts of Assembly for granting Patents, shall not continue in force after the expiration of the said Patent granted elsewhere, as aforesaid.

Provincial Patents for Inventions patented elsewhere to cease on the expiration of such other Patents.



# Anno Decimo Tertio Victoriae Reginae.

## CAP. LXIII.

An Act to facilitate the making of a Railway from the Harbour of Shediac to the Bend of Petitcodiac.

*Passed 26th April 1850.*

**W**HEREAS it is desirable to hold out every reasonable encouragement for the investment of capital in the construction of a Railway from the Harbour of Shediac to the Bend of Petitcodiac ;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the time when a good and sufficient Railway shall be completed by the Saint John and Shediac Railway Company, and in efficient operation from the Harbour of Shediac to the Bend of Petitcodiac, with substantial and sufficient locomotive cars, carriages and other vehicles propelled by steam, for the accommodation of passengers and the transportation of merchandise, the faith and credit of this Province shall stand pledged to the said Company to make up and pay any deficiency of the clear profits arising from the traffic of merchandise and passengers and otherwise on such Railway, whereby such Company may realize a less annual profit or interest than six per centum on a capital sum, not exceeding sixty thousand pounds, invested in the said undertaking.

Faith of the Province pledged for ten years to make up any deficiency in an annual profit of six per cent. on capital not exceeding £60,000.

II. And be it enacted, That when and for each and every year during the continuance of this Act, not exceeding twenty years, it shall be certified by persons appointed for that purpose by 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, that the said Railway has been in efficient operation as aforesaid, for the period of one year from the date of its being finally opened, or from the date of the next previous certificate in each year after the first year, and that for the year for which the certificate is granted the whole net proceeds and earnings of the said Company, from the said traffic on the said Railway, after all actual and necessary contingent and annual expenses have been deducted, are insufficient to cover and pay the said annual profit or interest of six per centum on the capital sum, not exceeding sixty thousand pounds, invested as aforesaid, and are deficient in a certain sum to be specified in the certificate of the persons to be appointed as aforesaid, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent aforesaid, to issue a Warrant under his hand and seal on the Provincial Treasury, for the payment to the said Company of the sum so certified to be deficient ; which Warrant the Treasurer of the Province is hereby required to pay in the regular course, out of the moneys then in the Treasury, or as payments may be made at the same ; provided always, that unforeseen casualties, by which temporary suspensions of the traffic and travelling on the said Railway, not involving neglect on the part of the said Company, shall not be deemed sufficient to authorize the persons so appointed as aforesaid to withhold their Certificate, and thereby prevent the payment of the sum necessary to make up such deficiency as aforesaid, that may occur in the year in which the casualties may take

Authority given to issue a Warrant on the Treasury, on a certificate of deficiency.

take place ; it being the true intent and meaning of this Act, that the said Company shall realize and receive as a clear profit arising from the net profits, or from the net profits and sum to be paid by the Province jointly, a rate of interest equal to six per centum on such capital sum, not exceeding sixty thousand pounds, as may be invested in the said Railway, during each and every year, not exceeding twenty years in the whole, that the said Railway shall be in efficient operation as aforesaid.

Act suspended till  
H. Majesty's appro-  
bation be declared.

III. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto first had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 14th day of August 1850, and published and declared in the Province the 4th day of September 1850.]

### CAP. LXIV.

An Act for the more effective Auditing of Public Accounts.

Passed 26th April 1850.

Preamble.

**W**HEREAS it is necessary to afford more full and complete power of examining, auditing, or disallowing the Accounts of all persons in-  
' trusted with the receipt or outlay of public moneys, or accountable for the same ;'

Auditor General  
empowered to call  
for the expenditure  
Accounts of public  
money, supported  
by vouchers and  
other evidence ;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Auditor General shall have full power and authority from time to time to call upon any person or persons who may be intrusted with or accountable for the expenditure of public money, and to require any person who may be intrusted or accountable as aforesaid, to furnish detailed Accounts and Vouchers, and to make oath as to the correctness of such Accounts and Vouchers, and the truth of the facts alleged in such Accounts or Vouchers ; and if such Auditor General shall deem the evidence of any witnesses, or the production of any books or papers, necessary to substantiate the correctness of such Accounts, he may refuse to pass such Accounts until such witnesses, books or papers be produced to him ; and if such witnesses, books or papers be not produced within six months, he may proceed to disallow the Account to which such evidence is supposed to relate.

And may disallow  
Accounts on non-  
production of  
Books, &c.

Auditor General  
invested with the  
powers of a Justice  
of the Peace, under  
Act 12 Vic. c. 31, in  
summoning persons  
to appear before  
him.

II. And be it enacted, That the Auditor General shall have the same power as a Justice of the Peace under the Act made and passed in the twelfth year of Her present Majesty's Reign, intituled *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, within this Province, with respect to Summary Convictions and Orders*, to summon any person before himself to answer such questions touching Public Accounts, as to him may seem meet ; and he may, in case of default in obeying such summons, proceed as in the aforesaid Act directed, and may examine such person on oath, who shall be subject to the pains and penalties of perjury in case of false swearing ; provided always, that no such summons or proceeding of the Auditor General or his Deputy, shall compel any person to travel more than thirty miles from his usual place of abode, or to attend without payment or tender of his reasonable expenses, which shall be charged to the party whose Accounts are audited, unless the decision of the Auditor should be reversed upon Certiorari.

Not to compel  
parties to travel  
more than thirty  
miles without pay-  
ment of expenses.

Auditor General  
empowered to audit  
Public Accounts,  
and surcharge  
deficiencies, and  
enforce payment.

III. And be it enacted, That the Auditor General shall have full power to examine, audit, allow or disallow Accounts, and items therein, relating to moneys applicable to public purposes, or in the hands of Public Officers for such purposes ; and such Auditor may charge, in every Account audited by him, the amount of any

any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which such person is accountable, but not brought by him into account, and shall certify on the face of every Account audited by him any money, goods or chattels found by him to be due from any person; and when such Auditor has so certified any money, goods or chattels to be due from any person, he shall report the same to the Provincial Secretary; and the person from whom any money is so certified to be due shall, within thirty days, pay or cause to be paid such money to the Provincial Treasurer, or any Deputy Treasurer, and furnish the Auditor General with the evidence of such payment; and if any such money, goods or chattels be not duly paid or delivered over as hereinbefore directed, the said Auditor, or any person duly appointed by the Lieutenant Governor or Administrator of the Government for the time being, may proceed to enforce the payment or delivery over of the same; and all moneys so certified to be due by such Auditor, shall be recoverable as so certified, together with the costs of such recovery, from all or any of the persons making or authorizing the illegal payment, or otherwise answerable for such moneys; provided always, that the examination of all witnesses or evidences shall take place in the presence of the party whose Accounts are under audit, or in the presence of his authorized Agent.

IV. And be it enacted, That if any person aggrieved by any allowance, disallowance or surcharge by any such Auditor, require such Auditor to state the reasons for the said allowance, disallowance or surcharge, the Auditor shall state such reasons in writing on the face of the Account in which the allowance, disallowance or surcharge may be made; and it shall be lawful for every person aggrieved by such allowance, or for every person aggrieved by such disallowance or surcharge, if such last mentioned person have first paid or delivered over to any person authorized to receive the same, all such moneys, goods and chattels as are admitted by his Account to be due from him, or remaining in his hands, to apply to the Supreme Court for a Writ of Certiorari to remove into the said Court the said allowance, disallowance or surcharge, under a recognizance to prosecute such Certiorari, at the costs and charges of such person, without any wilful or affected delay; and if such allowance, disallowance or surcharge be confirmed, to pay to such Auditor or to the Provincial Treasurer, within one month after the same may be confirmed, his full costs and charges, to be taxed according to the course and practice of the said Court; and a notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such Auditor, who shall, in return to such Writ, return a copy under his hand of the entry or entries on such Account to which such notice shall refer, and shall, if directed to do so by the Lieutenant Governor or Administrator of the Government for the time being, acting by and with the advice of the Executive Council, appear before the said Court and defend the allowance, disallowance or surcharge so impeached in the said Court, and on the removal of such allowance, disallowance or surcharge, the said Court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such Court that the decision of the said Auditor was erroneous, they shall by rule of the Court order such sum of money as may have been improperly allowed, disallowed or surcharged, to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the Court, order the costs of the person prosecuting such Certiorari to be paid by the said Auditor, as to such Court may seem fit; which rules of Court respectively shall be enforced in like manner as other rules of the said Court are enforceable.

Party aggrieved may require the reasons of any allowance, disallowance or surcharge, and apply to the Supreme Court for a Writ of Certiorari on recognizance.

Notice of application to be given to the Auditor General, who shall make return, and defend if so directed.

Court to decide the particular matter of complaint, and may order payment.

No proceeding for recovering of money, &c., to be had without authority of the Lieut. Governor in Council.

V. Provided always, and be it enacted, That no such proceeding for recovering of moneys, goods or chattels shall take place, unless the Auditor General shall have first made a report in writing upon the case to the Lieutenant Governor or Administrator of the Government for the time being, nor unless the said Auditor General shall have received from the Lieutenant Governor or Administrator of the Government for the time being, acting by and with the advice and consent of the Executive Council, directions to proceed to the recovery of such moneys, goods or chattels.

Auditor General's chief clerk, or other person, may be ordered to proceed to any place and examine witnesses, &c. touching Public Accounts.

VI. And be it enacted, That if in any case it shall appear expedient to the Lieutenant Governor or Administrator of the Government, that an examination should be made into the facts connected with the receipt or outlay of any public money, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of the Executive Council, to appoint the Auditor General's chief Clerk, or some other person, to proceed to any place within this Province to examine witnesses and take evidence as to the receipt or outlay of such public money; and such chief Clerk or other person so appointed shall be, for this special purpose, the Deputy of the Auditor General, and shall have and exercise, whilst so employed, all the powers to summon witnesses, administer oaths, and call for books or papers, which are in this Act given to the Auditor General; and such person shall report in writing all the evidence and information so taken to the Auditor General, who shall thereupon deal with the Account to which they relate in such manner as the aforesaid evidence and information may seem to him to warrant; provided always, that every person so appointed to examine and inquire shall, before he act, make oath before the Lieutenant Governor or Administrator of the Government, or before one of the Justices of the Supreme Court, that he will truly, faithfully and impartially take, record and report all evidence relating to the matter into which he is sent to examine.

Power.

Report.

Oath.

Documents to be received as prima facie evidence in Courts.

VII. And be it enacted, That in all proceedings under this Act it shall be sufficient to produce a copy of any report of the Auditor General, or any other person acting under this Act, certified and signed by the said Auditor, or by such other person, as well as of any minute, order, allowance or direction of the said Lieutenant Governor or Administrator of the Government, and the Executive Council, certified and signed by the Provincial Secretary or Clerk of the said Council; and such copies, so certified, shall be received as prima facie evidence in all Courts that the said reports, minutes, orders, allowances or directions were duly made and properly delivered to the party to whom they were addressed, or whom they concerned.

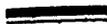
Expenses under this Act to be defrayed from the Surplus Civil List.

VIII. And be it enacted, That all expenses necessarily incurred in carrying out this Act, so as to insure a true, full and sufficient audit, and all costs on Certiorari which may be ordered to be paid by the said Auditor, shall be defrayed from the Civil Cist, or from the Surplus of such Civil List now or hereafter in the hands of Her Majesty's Receiver General.

Act suspended till H. Majesty's approbation be declared.

IX. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be first had and declared.

[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 3rd day of February 1851, and published and declared in the Province the 5th day of March 1851.]





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. I.

An Act for erecting the Parish of Caraquet, in the County of Gloucester, into two separate Parishes.

Passed 15th March 1851.

**WHEREAS** the Parish of Caraquet, in the County of Gloucester, is so extensive as to render the performance of the several Parochial duties required by law troublesome and inconvenient, consequently it is expedient and necessary to divide it into two Parishes;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of December next, all that part of the said Parish of Caraquet which lies to the northeast of a line running from the west side or entrance of Little Pokemouche Lagoon by the magnetic needle north fifty two degrees west, until it strikes the South Branch of Saint Simeon's Inlet, and thence through the centre of the said Inlet to the Sea, including the Islands of Shippegan and Miscou, be and the same is hereby erected and constituted a separate Parish, to be called the Parish of Shippegan; and also, that all the remaining part of the Parish of Caraquet aforesaid do constitute and comprise the Parish of Caraquet.

Part of the Parish of Caraquet erected into a separate Parish, to be called the Parish of Shippegan.

II. And be it enacted, That Town or Parish Officers for the said Parishes of Shippegan and Caraquet shall be subject to the same laws and regulations, and liable to the same penalties, in all respects as Town or Parish Officers in any other Town or Parish are or may be liable to; which said Town or Parish Officers in like manner shall be elected by virtue and under the provisions of an Act made and passed in the thirteenth year of Her 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.*

Parish Officers to be appointed for Shippegan and Caraquet as for other Parishes.

13 V. c. 30.

III. And be it enacted, That the next General Sessions of the Peace for the said County of Gloucester after the passing of this Act, shall and may appoint a Town Clerk for the Parish of Shippegan aforesaid, for the purpose of carrying out the provisions of Article 2, Section I. of the said Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes, any law or usage to the contrary notwithstanding.

A Town Clerk for Shippegan to be appointed at the next General Sessions of the Peace for Gloucester.

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

Act not to affect assessments, &c. due.

FREDERICTON, N. B.:

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

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BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. II.

An Act to authorize Her Majesty's Justices of the Peace for the County of Gloucester to assess the said County to pay off the County Debts.

*Passed 15th March 1851.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Her Majesty's Justices of the Peace for the County of Gloucester, at any General or Special Sessions of the Peace hereafter to be holden, be and they are hereby authorized and empowered to make such rate and assessment of any sum not exceeding five hundred pounds, in such sums and at such times as they in their discretion may think necessary, for the purpose of paying off the debts of the said County; the same to be levied, assessed, collected and paid agreeably to any Acts now or hereafter to be in force for assessing, collecting and levying of County Rates; provided that any Special Sessions of the Peace to be holden for that purpose, under the provisions of this Act, shall consist of not less than five Magistrates.

Assessment not exceeding £500, to pay off the County debt, authorised.

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. III.

An Act to continue an Act to empower the owners of certain Saw Mills on Hammond River, in King's County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River. 9 V. c. 34.

*Passed 15th March 1851.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled *An Act to empower the owners of certain Saw Mills on Hammond River, in King's County, to erect and keep up a Boom or Booms for the securing of Saw Logs on the said River*, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty six. Act 9 V. c. 34,  
continued till  
1st May, 1856.

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. IV.

An Act to provide for the appointment of Commissioners for the Alms House and Work House for the County of York.

*Passed 15th March 1851.*

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That at the annual meeting for electing Town or Parish Officers in the County of York, there shall be elected in each Parish of the said County, connected with and interested in the Alms House and Work House, except the City of Fredericton, one Commissioner of the said Alms House and Work House.

Each Parish, except Fredericton, interested in the Alms House, to elect a Commissioner.

II. And be it enacted, That the City Council of the City of Fredericton shall from time to time appoint a Commissioner for the said City.

City Council of Fredericton to appoint a Commissioner.

III. And be it enacted, That the said Commissioners, when appointed, shall be invested with all the powers conferred on the Commissioners of the Alms House and Work House for the County of York by the provisions of an Act made and passed in the third year of the Reign of His Majesty King George the Fourth, intituled *An Act to provide for the erection of an Alms House and Work House in the County of York, and for making rules and regulations for the management of the same.*

Such Commissioners invested with the powers conferred by Act 3 W. 4, c. 25.

IV. And be it enacted, That at the annual Election of Parish Officers the several Commissioners shall exhibit so much of the Alms House Accounts for the preceding year as relates to their respective Parishes.

Accounts to be exhibited at the annual Election.

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. V.

An Act to authorize and empower the Justices of the Peace for the County of York to sell the old Gaol Lot in the City of Fredericton.

*Passed 15th March 1851.*

**6** WHEREAS the Justices of the Peace for the County of York have Preamble.  
'erected a new Gaol in the said County on a lot of land purchased for  
'that purpose, and in consequence thereof the old Gaol Lot is no longer required  
'for a Gaol or any other County purpose; and it is deemed advisable that the  
'Justices of the General Sessions of the Peace for the said County should be  
'authorized to sell the said old Gaol Lot, and appropriate the proceeds of the sale  
'thereof to the payment of the balance due on the new Gaol and other County  
'debts;'

Be it therefore enacted by the Lieutenant Governor, Legislative Council and  
Assembly, That the Justices of the General Sessions of the Peace for the County  
of York shall and they are hereby authorized and empowered to sell the old  
Gaol Lot in the City of Fredericton, and appropriate the proceeds thereof to the  
payment of the balance due on the new Gaol, and for other County debts.

General Sessions  
empowered to sell  
the old Gaol lot  
to pay debts.

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. VI.

An Act for dividing the Parish of Glenelg, in the County of Northumberland, into two separate Parishes.

Passed 15th March 1851.

**WHEREAS** the Parish of Glenelg, in the County of Northumberland, is so extensive as to render the performance of the several parochial duties required by law troublesome and inconvenient, and it is deemed expedient that the same be divided into two separate Parishes ;

*Preamble.*

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the first day of January next, all that portion of the said Parish of Glenelg which lies to the eastward of a line commencing at the mouth of Black River ; thence extending up the middle of the said River, following the several courses thereof, to the mouth of Little Black River ; thence up the middle of the said Little Black River, following the several courses thereof, until it comes to the line separating the property of George Foulie from the Lot number five, granted to Duncan M'Naughton, being the upper side line of the said Lot number five ; thence by the said line, and a prolongation of the same, until it strikes the line dividing the Counties of Northumberland and Kent ; be and the same is hereby erected into and constituted a separate Parish, to be called, known and distinguished by the name of the Parish of Hardwicke ; provided always, that all the remaining part of the said Parish of Glenelg, lying to the west of the said described line, doth constitute, comprise, be and remain the Parish of Glenelg.

*Parish of Hardwicke erected from part of the Parish of Glenelg. from after 1st Jan. next.*

II. ' And whereas it is necessary that provision should be made for the election and appointment of Town and Parish Officers in the said Parish of Hardwicke ; Be it therefore enacted, That it shall and may be lawful for the General Sessions of the Peace of the County of Northumberland, and they are hereby required, at the General Sessions to be holden next after the passing of this Act, to nominate and appoint one fit and proper person, whose duty it shall be, at a reasonable time after the said first day of January, to select some convenient place, and give public notice of the same, together with the time of holding the public meeting directed and authorized in and by the first section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province*, in order that the inhabitants of the said Parish of Hardwicke may, if they see fit, proceed under the provisions of the second article of the first section of the said Act, and of any Act or Acts made or to be made in amendment of the same.

*General Sessions next after the passing of this Act to appoint a person to convene the public meeting in Hardwicke for the election of Parish Officers, under Act 13 V. c. 50, s. 1.*

III.

After 1st Jan. 1852,  
the Act 13 V. c. 30,  
to embrace the  
Parish of Hard-  
wicke.

III. And be it enacted, That from and after the said first day of January, all and every the provisions of the said Act shall extend and be construed to extend to the said Parish of Hardwicke, in like manner, and to all intents, purposes and constructions, as if the said Parish of Hardwicke had been a separate and distinct Parish at the time of the passing of the said Act.

Act not to interfere  
with assessments by,  
penalties, or other  
moneys due.

IV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the recovery of, or to abrogate or annul any Parish or other dues, assessments, taxes, penalties, fines or moneys whatsoever, which may be due, incurred, forfeited, or remaining 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 or passed.

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FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. VII.

An Act to continue and amend *An Act for establishing and maintaining a Police Force in the Parish of Portland, in the City and County of Saint John.*

Passed 28th March 1851.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and 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*, except so far as the same is hereby altered or repealed, be and the same is hereby continued and declared to be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty six.

Act 11 V. c. 17, except so far as herein amended, continued till 1st May, 1856.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to nominate and appoint from time to time, two or more of the Justices of the Peace for the City and County of Saint John, either one of whom may, during the temporary absence or illness of the Police Magistrate, sit as Police Magistrate at the Police Office, and execute the duties of the said Police Magistrate; and for every day such Justice shall so execute the duties of the said Police Magistrate, he shall receive such sum as may be determined upon by the Commissioners of Police for the said Parish for the time being, not exceeding fifteen shillings per day, to be paid out of the Portland Police Fund, on certificate from the Police Magistrate of the time during which he may have so performed the duties of Police Magistrate.

Governor in Council to appoint Justices, one of whom may act for the Police Magistrate during his absence.

Remuneration.

III. And be it enacted, That so much of the fifty second section of the herebefore recited Act as defines the Portland Police District, be and the same is hereby repealed, and in lieu thereof, that the Portland Police District shall extend and be construed to extend to the whole of the said Parish of Portland.

Portland Police District extended to the whole Parish.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. VIII.

An Act to amend an Act relating to the repairing of the Streets and Bridges in a part of the Parish of Saint Stephen.

Passed 28th March 1851.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That instead of two shillings and six pence in lieu of each day's labour required by an Act passed in the fourth year of the present Reign, intituled *An Act to provide for more effectually repairing the Streets and Bridges in a part of the Parish of Saint Stephen*, the sum of one shilling and three pence only in lieu of each day's labour shall in future be required, and that the scale of labour shall be the same as that established by the seventeenth section of an Act passed in the thirteenth year of the present Reign, intituled *An Act relating to Highways*.

Money rate established by Act 4 V. c. 10, in lieu of labour, reduced to 1s. 3d. per day.

Scale of labour to be as in Act 13 V. c. 4.

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. IX.

An Act to alter and amend the fifth section of an Act, intituled *An Act to consolidate the Laws* 13 v. c. 9.  
*relating to Buoys and Beacons*, so far as the same relates to the County of Restigouche.

Passed 28th March 1851.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That such part of the fifth section of an Act, intituled *An Act to consolidate the Laws relating to Buoys and Beacons*, as relates to the Bays or Harbours of Restigouche, be and the same is hereby repealed, and in lieu thereof, that from and after the passing of this Act, one penny per ton be collected from all vessels, as therein specified, entering the said Bays or Harbours of Restigouche, any law, usage or custom to the contrary in any wise notwithstanding.

One penny per ton on shipping entering the Bays or Harbours of Restigouche to be paid.

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. X.

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

Passed 30th April 1851.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That all the powers and authorities given to the Police Magistrate of the Parish of Portland by the forty seventh section of an Act made and 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*, to collect fines due from defaulters to Statute Labour, shall be and are hereby extended to the collection and enforcing payment of all other rates, taxes and assessments made and ordered and recoverable in the said Parish; and that all fees and costs attending such collection shall be paid over and applied in the manner pointed out in and by the said section of the said Act; and that no fees or costs shall be recovered by any other Magistrate than the said Police Magistrate, for enforcing any such rates, taxes or assessments.

Powers given to the Police Magistrate in Portland by Act 11 V. c. 13, s. 47, extended to taxes.

Fees.

II. And be it enacted, That it shall not be lawful for any Justice of the Peace, other than the Police Magistrate of Portland, or any other Magistrate duly sitting at the Portland Police Office, to take and receive any fees or costs, of any nature or kind, for or upon any acknowledgement, proceedings, trial, judgment or conviction of any nature or kind, had before him as a Justice of the Peace within the said Parish of Portland; provided that nothing herein contained shall extend to fees and costs to be taken by any Justice of the Peace under the provisions of an Act, intituled *An Act to regulate proceedings before Justices of the Peace in Civil Suits*; and any Justice of the Peace who shall take any costs or fees contrary to the provisions of this Act, shall be deemed and taken to be guilty of extortion, and may be indicted and prosecuted for the same before any Court of competent jurisdiction.

No Justice in Portland, other than the Police Magistrate or his substitute, to receive fees in other than civil suits.

III. And be it enacted, That notwithstanding anything contained in the eleventh and twelfth sections of 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*, the real and personal property and estates of all joint stock Banking and Insurance Companies shall be liable to taxation for the purpose of the said last recited Act, in the mode pointed out in and by the second section of an Act made and passed in the thirteenth year of the Reign of Her present Majesty,

Property of joint stock Banking and Insurance Companies to be liable to taxation, Act 11 V. c. 13, s. 11 & 12, notwithstanding.

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

Stock of any branch  
or agency of any  
joint stock Banking  
Company may be  
assessed.

IV. And be it enacted, That the stock of any branch or agency of any joint stock Banking Company or Corporation, may be assessed to the extent of the amount of stock owned in this Province, under the provisions of the said last recited Act; notwithstanding the principal place of carrying on the business of the said Corporation may not be within this Province, and notwithstanding such stock may be a part of the capital stock of any Corporation whose principal place of business may not be within this Province.

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FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XI.

An Act relating to the Navigation of the River and Harbour of Saint John.

Passed 30th April 1851.

**W**HEREAS by the operation of an Act, intituled *An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John*, and *An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John*, it is rendered unlawful to put, place or throw into the Harbour of the City of Saint John any slabs, edgings, rinds, bark, chips or sawdust: And whereas it appearing from the situation of the "Carleton Tide Mills," that they cannot be worked without the sawdust falling into the tide, and that the operation of the said Acts would be ruinous to the Lessee of the said Mills;

Preamble.  
12 V. c. 52.  
7 V. c. 37.

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act the "Carleton Tide Mills" shall be exempt from the operation of the Act, intituled *An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John*, and *An Act for more effectually securing the Navigation of the River and Harbour of Saint John, in the City and County of Saint John*, so far as the same relate to sawdust.

Carleton Mills  
exempted from the  
operation of  
12 V. c. 52, and  
7 V. c. 37.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XII.

An Act to suspend an Act, intituled *An Act in addition to and in amendment of the Act relating to the Navigation of the River and Harbour of Saint John*, for a limited period. 12 V. c. 52.

*Passed 30th April 1851.*

**6** WHEREAS in and by an Act made and passed in the twelfth year of the Preamble.  
'Reign of Her present Majesty, intituled *An Act in addition to and in* 12 V. c. 52.  
'*amendment of the Act relating to the Navigation of the River and Harbour of Saint*  
'*John*, it is enacted inter alia, that all and every of the provisions of an Act made  
'and passed in the seventh year of the Reign of Her present Majesty, intituled  
'*An Act for more effectually securing the Navigation of the River and Harbour of* 7 V. c. 37.  
'*Saint John, in the City and County of Saint John*, shall and are thereby made to  
'extend to sawdust as well as to slabs, edgings, rinds, bark, or chips, in the same  
'manner and as fully and effectually as if the said sawdust had been included  
'therein: And whereas it is deemed advisable to suspend the operation of the  
'said recited Act of the said twelfth Victoria for a limited period;

Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act of twelfth Victoria, chapter fifty two, and all the provisions thereof, be and the same are hereby suspended until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty two. Act 12 V. c. 52. suspended till 1st May, 1852.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XIII.

An Act to provide for laying down of Common Sewers in the City of Saint John.

*Passed 30th April 1851.*

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That whenever hereafter the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall judge it expedient and necessary at any time or times to place and lay down any common Sewer or public Drain in any part of the streets, lanes or highways of the said City, it shall be lawful for them, in Common Council, to order and direct a rate or assessment to be made to defray the expense thereof; which assessment shall be made upon such of the owners in fee simple of the several lots, parts of lots, pieces and parcels of land, situate on both sides of the street, lane or highway, and in front of or opposite to which the said sewer or drain may pass or be laid, as they the said Common Council may direct and declare, the said assessment to be made in proportion to the extent of the frontage of land owned by the respective persons to be assessed, and to be levied, collected and paid, together with the charges of assessing and collecting, 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 assessment, may be in force in this Province for assessing, levying and collecting of Rates for public charges; and when collected, shall be paid into the hands of the Chamberlain of the said City, to be applied from time to time by orders of the Common Council for the purposes of this Act; provided always, that in any case when any such lot, part of lot, piece or parcel of land, shall be held under a lease for a term of years, containing a covenant for any renewal of such term, then and in every such case, the said rate or assessment in respect thereof, shall be made upon the person or persons having the legal estate and interest in the said term of years, and not upon the owner in fee simple.

When common Sewers are to be laid down, the Common Council may order an assessment to defray the expense.

Assessment to be made on the owners in fee simple, and the lessees under leases with covenants of renewal, of the land in front of which the Sewer shall pass.

II. And be it enacted, That it shall be lawful for any occupier of any such lot, part of lot, piece or parcel of land, in respect of which any such rate or assessment shall have been made, at all times to have the liberty and privilege of using the said Sewer or Drain, and leading a separate Sewer or Drain into the same from his own premises, without the payment of any fine or sum of money for the said privilege, under and subject nevertheless to all such bye laws, regulations, rules and orders relating to the laying down, opening, cleansing or other management and use of the said common and public, as well as the said separate Sewers or Drains, as the Common Council shall or may from time to time ordain, make

Occupiers of land assessed may lead drains into the common Sewers without payment for the privilege.

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BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XV.

An Act to repeal the several Acts for incorporating the City of Fredericton, and to make other provisions in lieu thereof.

Passed 30th April 1851.

**6** WHEREAS the provisions of the Act to incorporate the City of Fredericton, and the several Acts to amend the same, have been found 'defective';

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the eleventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the City of Fredericton*, and another Act made and passed in the twelfth year of the same Reign, intituled *An Act to amend an Act, intituled 'An Act to incorporate the City of Fredericton'*; and also an Act made and passed in the thirteenth year of the same Reign, intituled *An Act relating to the levying and collecting of Rates in the City of Fredericton*, be and the same are hereby respectively repealed; provided always, that all Elections of City Councillors or Mayor, and all appointments of City Officers made under the authority of the said several Acts hereby repealed, shall be and remain good, valid and effectual until other Councillors, Mayor or other City Officers shall be elected or appointed in their stead under the provisions of this Act; and provided also, that all assessments of rates heretofore made upon the said City and not yet collected, and all fines and penalties heretofore imposed under the authority of the said several Acts or any of them, may be proceeded for, recovered, collected and applied in the same manner in all respects as if the said Acts had not been repealed; and that all bonds, recognizances, judgments, and all leases, conveyances or contracts, sealed with the Seal of the said Corporation, or otherwise executed by the authority of the City Council, should remain good, valid and effectual for all purposes expressed therein, notwithstanding the repeal of the said several Acts; and that all actions, suits and proceedings which may have been commenced in any Court by or against the said Corporation, under the provisions of the said Acts, may be proceeded with to their termination and satisfaction in the same manner as if the said Acts had not been repealed; and all bye laws, rules and ordinances, and every act, matter or thing heretofore done under the authority of the said several Acts, or any of them, shall be and remain good, valid and effectual in the same manner to all intents and purposes as if the said Acts had not been repealed.

Repeal of Acts

11 V. c. 61,

12 V. c. 59,

and Local Act,  
13 V. c. 22,

Saving Elections, appointments, penalties, fines, bonds, recognizances, judgments, leases, conveyances and contracts; also law suits, actions and proceedings, and bye laws and ordinances.

The City of Fredericton incorporated with certain general powers.

II. And be it enacted, That from and after the passing of this Act all the inhabitants of that part of the County of York which is bounded as follows—North-easterly by high water mark on the northeastern bank of the River Saint John, southeasterly by the County of Sunbury, northwesterly by the lower line of the Parish of Kingsclear and its northeasterly prolongation, and southwesterly by the Parish of New Maryland, shall be a City Corporate in right and in name, by the name of *The City of Fredericton*, and shall have perpetual succession, and a Common Seal, with power to break, renew and alter the same at pleasure, and shall be capable in law of sueing and being sued, and of purchasing and holding lands and tenements for the use of the said inhabitants, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions, and to do and execute every other matter or thing incident to such Corporation, subject to the provisions hereinafter mentioned.

City divided into Wards, viz :

III. And be it enacted, That for the purposes of this Act the said City of Fredericton shall be and is hereby divided into five Wards, to be severally bounded as follows :—

Wellington Ward,

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

Saint Ann's Ward,

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

Carleton Ward,

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

Queen's Ward,

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

King's Ward.

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

The fiscal, prudential and municipal affairs, and the legislative power and government of the City vested in a Mayor and ten Councillors, to be called the City Council.

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

Style of enactment of bye laws.

An Assessor of each Ward to be annually elected.

V. And be it enacted, That there shall be annually elected at the same time hereinafter appointed for the election of Councillors, one Officer for each Ward, who shall be and be called an Assessor ; and no person shall be eligible for that office unless he be resident in the Ward for which he may be elected, and qualified to the extent required by this Act in the case of a Councillor.

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

Qualification of Mayor, Councillors and Assessors

VII. And be it enacted, That no person shall be qualified to vote at any Election for Mayor, Councillors or Assessors, unless such voter be a British Subject, and of the full age of twenty one years, and shall have been assessed in the assessment next preceding such Election for real or personal estate, or both, within the said City, to the value of fifty pounds or upwards, or for income to the amount of twenty five pounds, and shall have paid before the time of such Election all rates and taxes legally due from him within the said City.

Qualification of Electors.

VIII. And be it enacted, That the evidence required under this Act, of assessment for property, and of payment of rates thereon, shall be a receipt from the City Treasurer, or from the Collector of Rates, who is hereby required to furnish the same on demand, under the penalty of forty shillings for each refusal, which receipt shall contain a statement of the value of property or income assessed against the person therein named, and an acknowledgement that the rates due by such person in respect of such assessment have been fully paid.

Evidence of assessment for property, and payment of rates.

IX. And be it enacted, That no person shall be qualified to be elected to serve in the office of Mayor or Councillor, so long as he shall hold any office or place of profit in the gift or disposal of the City Council, nor during such time as he shall by himself or his partner, or in any other way or manner, directly or indirectly, have any share or interest in any contract or employment with or on behalf of the said City Council, nor shall any Minister or Teacher of any religious denomination whatsoever, nor any person accountable for the City Revenues or any part thereof, nor any officer or person presiding at an Election of a Mayor, Councillor or Assessor, while so presiding, nor any Clerk or Assistant employed by him at any such Election, while so employed, be elected to the office of Mayor or Councillor in the said City; provided nevertheless, that no person shall be disqualified to serve as Mayor or Councillor as aforesaid, by reason of his being a proprietor or shareholder in any Company which shall or may contract with the City Council for lighting, supplying with water, or insuring against fire, any part of the said City; provided always, that such disqualification shall not arise from holding any lease of land from the Corporation; and that no Councillor shall receive into his hands any moneys for and 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 said Corporation on any such account shall be paid by the Treasurer of the City to the person or persons who shall have actually done such work, and shall be entitled to such moneys by, under or for such contract, work or employment, or to his or their order.

Disqualifications for the office of Mayor or Councillor.

Money due on contracts, &c., to be paid to person performing the work, and not to a Councillor.

X. And be it enacted, That no person elected to serve as Mayor, Councillor or Assessor, who is above the age of sixty five years, or who shall have already served in or paid the fine for the non-acceptance of such office within five years next preceding the day on which he shall be so elected, or who is a Member of the Legislature or of the Executive Council of this Province, shall be liable to a fine for the non-acceptance of such office; and provided also, that no Military, Naval or Marine Officer in Her Majesty's Service, on full pay, nor the Surveyor General,

Certain persons exempted from liability to serve as Mayor, Councillor, Assessor or other City officer.

General, the Provincial Secretary, Clerks in Public, Civil or Military Departments, the Postmaster General, nor his Deputies, nor Custom House Officers, Sheriffs, Coroners, Clerks and Commissioned Officers of the Legislature, nor the Clerk of the Executive Council, nor School Masters, shall be held or deemed liable to accept any such office as aforesaid, or any office in the said City.

Penalties for not accepting office of Mayor, Councillor or Assessor, within five days after notice of election, &c.

XI. And be it enacted, That every person elected to the office of Mayor or of Councillor, or of Assessor for the said City, within five days after receiving notice of his election, or if he be absent from the City at the time of his election, then within five days after his arrival in the said City, and notice as aforesaid, shall accept the said office to which he shall be so elected, and take the oath of office, under a penalty of ten pounds currency for non-acceptance of the office of Mayor, or of five pounds for non-acceptance of the office of Councillor, or of three pounds for non-acceptance of the office of Assessor, and the election to any of the said offices shall be held *prima facie* evidence of qualification on the part of the person so elected, unless such person shall make oath before the Mayor for the time being, or before any Justice of the Peace for the County of York, who are hereby authorized to administer such oath, that he is not possessed of the qualification required by this Act, in some particular to be stated in such oath.

On neglect or refusal to accept office within said five days, office to be deemed vacant.

XII. And be it enacted, That when any person, duly elected to the office of Mayor, Councillor or Assessor, shall neglect or refuse to accept the same within the time limited, or to take the oath of office as aforesaid, the said office shall be deemed vacant, and shall be filled up by a new Election, to be made in the manner hereinafter provided for holding Elections.

Mayor or Councillor becoming bankrupt, removing residence to without the limits of the City, or being absent, to vacate his office.

XIII. And be it enacted, That if any person holding the office of Mayor or of Councillor shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound with his creditors by deed or other writing, or shall remove his place of residence without the limits of the City, or shall be absent from the City or from the meetings of the City Council, for more than two months at any one time, except in case of illness, or by leave of the City Council first obtained, then and in every such case such person shall immediately be deemed and taken to be disqualified, and shall cease to hold his office of Mayor or Councillor, and his place shall be filled up by a new Election, to be made in the manner hereinafter directed for holding Elections; and in the case of such absence as aforesaid, he shall be liable to the same fine, to be recovered and applied in the same manner, as if he had neglected or refused to accept the said office, as hereinbefore mentioned.

Time for first and each subsequent election of Mayor.

XIV. And be it enacted, That the first Election for a Mayor for the said City, after the passing of this Act, shall be held on the second Monday in May in the present year; and the annual Election for a Mayor as aforesaid, in all succeeding years, shall be held on the second Monday in March in each and every year.

Time for first and each subsequent election of Councillors and Assessors.

XV. And be it enacted, That the first Election for two Councillors and one Assessor for each Ward of the said City, after the passing of this Act, shall be held on the last Monday in May in the present year; and the annual Election for two Councillors and one Assessor for each Ward as aforesaid, in all succeeding years, shall be held on the last Monday in March in each and every year.

Place for election of Mayor and Councillors, and appointment of presiding Officers.

XVI. And be it enacted, That every Election for Mayor, Councillors or Assessors to be held under and by virtue of this Act, after due notice as hereinafter directed, shall be held as follows, that is to say: For the Election of Mayor, at one convenient place within the said City; and for the Election of Councillors or Assessors, in one convenient place in each of the several Wards thereof; and by  
and

and before such fit and proper persons as shall be appointed for the purpose by the City Council for the time being, or by the High Sheriff of the County of York in case of the neglect or refusal of the City Council to make such appointments.

XVII. And be it enacted, That public notice of the time and place for holding every such Election respectively shall be given by the City Clerk, by publishing such notice in one or more of the public newspapers printed in the said City, and by printed handbills in the several Wards, for not less than ten days previous to such Election; provided always, that the Elections in the several Wards for Councillors and Assessors shall all be held on the same day and hour.

City Clerk to give notice of time and place for holding elections.

XVIII. And be it enacted, That at every annual Election to be held under and by virtue of this Act, and before the polling commences, which shall be at ten o'clock in the forenoon, there shall be nominated by duly qualified Electors, out of the persons capable of being elected, including the Mayor, Councillors and Assessors then in office, one or more persons for the office of Mayor, two or more persons for the office of Councillor in each Ward, and one or more persons for the office of Assessor in each Ward; and no vote shall be counted except those given for one or some of the persons so nominated as aforesaid.

At the annual elections, persons to be nominated for the offices before the polling commences, and no votes to be counted except for those nominated.

XIX. And be it enacted, That at all Elections to supply extraordinary vacancies, there shall be nominated in the manner hereinafter provided, and out of persons duly qualified, one or more persons according to the nature or number of vacancies so to be supplied, and the votes given for the persons so nominated only shall be counted.

Elections to supply extraordinary vacancies.

XX. And be it enacted, That all voting under this Act for election of Mayor, Councillors or Assessors, shall be by ballot and not by open vote; and a separate ticket shall be given by each voter for each office then about to be filled, but a blank ticket shall not in any case be counted as a vote; and provided also, that if in sorting the votes it shall be found that two or more ballots are enclosed in the same cover, or if the name of the same person be more than once entered in the same ballot, or if any ballot shall contain a greater number of names of persons as designated to any office than there are persons to be elected to such office, all such ballots shall be rejected in toto and destroyed.

Voting at elections to be by ballot.

Defective ballots not to be counted.

XXI. And be it enacted, That at all Elections to be held under this Act, the Court for nomination of candidates or persons proposed shall be opened at nine o'clock in the forenoon, by and before the officer or person appointed to hold such Election; and the Poll shall open at ten o'clock in the forenoon, and shall continue open until five o'clock in the afternoon of the same day, unless sooner closed as hereinafter provided; and the name of each elector voting at such Election shall be written in Poll Lists to be kept at such Election, by the officer or person holding the same; and after finally closing the Poll for Councillors or Assessors at any such Election, the officer or person by whom the same shall be held, shall forthwith proceed openly and publicly to ascertain and declare the number of votes given for each of the candidates or persons for whom votes shall then have been given, and he shall also then publicly declare the person or persons having the majority of votes in his or their favour to be duly elected as such Councillor or Assessor; and the officer or person so presiding, whether otherwise qualified or not, shall give a casting vote in cases where such casting vote may be necessary to determine the election of Councillors or Assessors.

Opening and duration of Court for nomination of candidates, and for the Poll.

Poll lists to be kept.

Officers holding the Poll to ascertain the number of votes given for each candidate, and declare the persons elected.

XXII. And be it enacted, That the officer or person holding any such Election shall not be bound to keep the Poll open until five o'clock in the afternoon in any case where no more candidates have been proposed than may be necessary to be then

Poll may be closed at ten o'clock when no more candidates are proposed than are necessary to fill then

the offices, and at any time after 12 when no vote has been given during the preceding hour.

then elected, but in any such case the presiding officer may immediately after ten o'clock in the forenoon close the Poll, and declare such candidate or candidates to be duly elected; and provided also, that if no vote shall be polled or offered during any one hour at one time after twelve o'clock, then and in such case the presiding officer shall close the Poll as aforesaid at the expiration of such hour, and proceed to ascertain and examine the votes given, and declare the persons elected in the manner hereinbefore directed.

Return of persons elected to be made to the City Clerk.

XXIII. And be it enacted, That the officer or person holding every Election for Councillors or Assessors as aforesaid, shall immediately after the close thereof make a return to the City Clerk of the names of the persons having the majority of votes and declared by him duly elected at such Election.

At the close of the Poll for a Mayor the person who has the greatest number of votes and a majority of all the votes given, to be declared duly elected.

XXIV. And be it enacted, That the annual or other Election for a Mayor for the said City shall be held as hereinbefore provided in some central and convenient place in the said City, where every duly qualified elector for the City, or as many as shall think proper, may give his vote for any one of the candidates or persons nominated for that office; and at the final close of the Poll as aforesaid, the officer or person holding such Election shall examine the state of the ballot, and the person who shall have received the greatest number of votes, if they amount to more than half of the whole number of votes given at such Election, but not otherwise, shall be declared duly elected, and shall be as such returned by the presiding officer to the City Clerk; or if no one of the candidates or nominees shall have received more than half of all the votes given at that Election for the office of Mayor, the presiding officer shall forthwith after the close of the Poll, make a return to the City Clerk of the names of the persons for whom votes shall have been polled, and the number given for each, and the City Council, at their first meeting, which must be held within three days after the close of such Election, may choose one out of all the persons for whom such votes shall have been given, and the person so chosen shall be deemed duly elected to the office of Mayor of the City, and in either of the foregoing cases a certificate of such election under the hand of the City Clerk shall be forthwith transmitted to the Office of the Provincial Secretary; but if the City Council cannot agree upon the person so to be chosen, the names of all the said candidates or nominees, and the votes polled for them respectively, shall be forthwith submitted by the City Clerk to the Lieutenant Governor, who, by and with the advice and consent of the Executive Council, may and shall approve one of the said candidates or nominees to be Mayor of the said City.

If no Candidate has received more than one half of all the votes given, a return to be made to the City Clerk, and the City Council may then elect as Mayor any one of those for whom votes may have been given.

If the City Council cannot agree, Lieut. Governor in Council to select one of the said persons.

Poll lists and receipts to be filed with the City Clerk.

XXV. And be it enacted, That the Poll Lists kept at every such Election, and the receipts delivered in by the electors as hereinafter mentioned, shall on the day next after the conclusion of such Election, (unless such day be Sunday, Christmas Day or Good Friday, and then on the day next thereafter,) be delivered by the officers or persons holding the same to the City Clerk to remain in his office, where they shall be open for inspection to any elector on the payment of one shilling.

Mayor to remain in office until he die, or become disqualified, or another be sworn in his stead.

XXVI. And be it enacted, That every person duly elected or appointed to the office of Mayor, and accepting the same by taking the prescribed oath as by this Act directed, shall be and remain in office as such Mayor, with all the powers and responsibilities incident to such office, until he die or become disqualified as hereinbefore provided, or until another person be sworn into office in his stead; and if any person holding the office of Mayor be at any annual Election re-elected to the said office, it shall not be necessary for him to be again sworn into office as such Mayor.

**XXVII.** And be it enacted, That if any vacancy shall happen by the death or disqualification of the Mayor, or of a Councillor or an Assessor, the Mayor, or in case of his absence, or if there be no Mayor, then any three of the Councillors, shall by order in writing, and within ten days after the vacancy shall have happened, direct the City Clerk to give public notice as hereinbefore provided of the time and place, when and where an Election will be held to supply the said vacancy or vacancies, and such Election shall be held in the manner provided in and by this Act.

Notice of election to be given in case of a vacancy by the death, &c., of a Mayor, Councillor or Assessor.

**XXVIII.** And be it enacted, That every person desirous of voting at any Election for Mayor, Councillors or Assessors, before he be permitted to vote, shall deliver to the officer or person holding such Election, a receipt from the City Treasurer or Collector of Rates, as provided in and by the eighth section of this Act, (unless such receipt be already filed in the Office of the City Clerk,) and also, if required by the officer or person holding such Election, or by any one of the candidates, or by any person duly qualified to vote at such Election, shall make oath, or being a Quaker shall make affirmation, before the officer or person holding such Election, in the form following, that is to say,—

Elector, before voting, to deliver a receipt for his taxes as in Sec. 8, unless it be already filed, and to swear to his qualification if required.

‘I, A. B., do solemnly swear, [*or affirm,*] that I am a British Subject, and of the full age of twenty one years, and that I am the person named in the receipt now exhibited [*or heretofore given in*] by me, and that the said receipt was given to me by the City Treasurer (*or Collector of Rates, as the case may be,*) whose name is thereto subscribed, and that I have not before voted at this Election;’ or if the Election be for a Councillor or Assessor, the form shall be—  
‘and that I have not before voted in any Ward at this Election.—So HELP ME GOD.’

Which oath or affirmation the officer or person holding such Election is hereby authorized to administer; and in every case where the elector shall have been sworn as aforesaid, the presiding officer shall note in his Poll Book that such elector had been sworn or had affirmed.

Presiding officer authorized to administer the oath; fact of swearing to be noted in the Poll Book.

**XXIX.** And be it enacted, That if any person shall knowingly swear or affirm falsely in taking any or either of the oaths, or in making the affirmations prescribed in and by this Act, he shall be deemed guilty of wilful and corrupt perjury, and on conviction shall suffer the pains and penalties provided by law in the like cases.

False swearing to be deemed perjury.

**XXX.** And be it enacted, That at any Election for Councillors or Assessors, every elector shall vote in the Ward in which he resides and not elsewhere, or if he be the owner of sufficient property in more than one Ward, and have paid his rates as aforesaid, he may make his option to vote in either or any of the Wards in which he shall have such property, but no person shall vote at any one Election in more than one Ward.

Electors for Councillors or Assessors to vote in the Ward in which they reside, or in any one Ward in which they may have a sufficient property qualification.

**XXXI.** And be it enacted, That every officer or person holding any such Elections for Mayor, Councillors or Assessors as aforesaid, shall be and may be deemed a Peace Officer on that occasion, and shall have power and authority to maintain and enforce order and decorum, and preserve the peace at the Election held by him, and to suppress all riotous and disorderly conduct thereat; and all Peace Officers, and all others, Her Majesty’s subjects, are hereby required and commanded to be aiding and assisting him therein; and every person neglecting or refusing to give such aid and assistance when thereunto required by such presiding officer, shall be taken and deemed guilty of a misdemeanor; and if any person or persons shall commit violence, or be engaged in any affray or riot, or shall in any wise disturb the peace and order at such Election in any manner whatever, or in any wise interrupt the Poll, or the business thereof, or wilfully obstruct

Presiding officer at elections to be deemed a peace officer, empowered to enforce order and command assistance.

Power to commit to goal.

obstruct or threaten any person coming to vote, the officer or person holding any such Election shall have power and authority, on view or on oath of one credible witness, (which oath the said officer or person holding such Election is hereby empowered to administer,) forthwith to order such person into custody, or to commit him to prison, should such officer deem it expedient, by Warrant in writing, directed to the Sheriff or his Deputy, or to any Constable within the City, or to the Keeper of the Gaol of the City; which Warrant such Sheriff, Deputy Sheriff, Constable or Gaoler shall and may, and he is hereby required forthwith to obey, under a penalty not exceeding ten pounds current money of this Province for disobedience thereto; provided that such restraint or imprisonment shall not continue more than forty eight hours after the adjournment or dissolution of such meeting; and provided also, that the person or persons so guilty of such disorderly or riotous conduct, or of disturbing or interrupting the Poll in any way or manner whatever, as hereinbefore specified, shall be liable, notwithstanding such restraint and imprisonment, to be otherwise prosecuted and punished, as if no such arrest had been made.

Mayor, Councillors and Assessors, before entering upon their duties, to file their assessment receipts, and be sworn.

XXXII. And be it enacted, That the Mayor, Councillors and Assessors, before entering upon the duties of their offices respectively, shall file with the City Clerk the assessment receipts given to them severally by the City Treasurer or Collector of Rates, as hereinbefore provided; and shall also severally be sworn, or in case of Quakers, shall make affirmation, by taking and subscribing the oath of office as hereinafter prescribed; and such oath or affirmation shall be administered to the Mayor by the Lieutenant Governor in the presence of two Members of the City Council, or in his absence, by a Judge of the Supreme Court, or by the Secretary of the Province; and the said oaths or affirmations shall be administered to the Councillors and Assessors by the Mayor in Council, being himself first qualified as aforesaid; and a certificate that such oaths or affirmations have been duly made or taken shall be entered by the City Clerk in the Minutes of the City Council.

Oath of office of Mayor, Councillors and Assessors.

XXXIII. And be it enacted, That the oath of office to be taken as aforesaid by the Mayor, Councillors and Assessors respectively, shall be in the following words, that is to say,—

‘ I, A. B., do solemnly swear [or affirm, as the case may be,] that I am qualified as by Law required for the office of —, to which I have now been elected; that I am a British subject, of the full age of twenty one years; that I am yet seized and possessed of the property for which I was assessed in the assessment last made in this City, or of property equal in value to the amount then assessed against me, or to the value of at least two hundred and fifty pounds currency: And I do swear [or affirm] that I will diligently, faithfully, and impartially, and to the best of my ability, discharge the several duties which appertain to the said office of — while I hold the same.—So HELP ME GOD.’

And the title of the office held by the person so sworn or affirmed shall be filled in the several blanks in the aforesaid form.

Person elected Councillor for more than one Ward, to declare for which he will serve, and an election to be held in the other or others.

XXXIV. And be it enacted, That if at any Election, any person shall be elected as Councillor for more than one Ward of the said City, he shall within three days after receiving notice thereof make his option and declare for which he shall serve, or in his default the Mayor for the time being shall declare for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only and in no other, and another Election shall thereupon be held in the Ward or Wards for which such person shall not have elected, or not have been declared elected to serve, as in other cases of extraordinary vacancies.

XXXV.

XXXV. And be it enacted, That at the annual Elections to be held under this Act, all the Officers whose term shall then expire shall be eligible for immediate re-election, if duly qualified in other respects.

Officers to be eligible for immediate re-election.

XXXVI. And be it enacted, That the Councillors and Assessors to be elected under this Act, shall severally go out of office on the day hereinbefore prescribed for holding the annual Elections.

Councillors and Assessors to go out of office on the annual election day.

XXXVII. And be it enacted, That there shall be in each year four quarterly meetings of the said City Council, which shall be held on such days in each and every year as shall be provided by any bye law in that behalf.

City Council to hold four quarterly meetings in each year.

XXXVIII. And be it enacted, That it shall be lawful for the Mayor of the said City to call a special meeting of the said Council, when and so often as he may deem proper, or upon requisition presented to him for that purpose, signed by any three members of the said Council, and in case of the death, disqualification or absence of the Mayor, or if he shall neglect or refuse to call a meeting upon such requisition as aforesaid, it shall be lawful for any three members of the said Council to call such special meeting by a notice in writing addressed to each member of the said Council, and signed by the Councillors who may call such meeting.

Mayor may call special meetings, and in certain cases Councillors may do the same.

XXXIX. And be it enacted, That notice in writing of all special meetings of the Council as aforesaid, whether called by the Mayor or by three or more Councillors as hereinbefore provided, shall be left at the usual place of abode of every member of the said Council, three days at least before the day appointed for such meeting; which notice shall be deemed a summons to attend such meeting, and shall specify the business to be transacted at such meeting; and in all cases of meetings called by the Mayor, such notice shall be issued by the City Clerk; provided nevertheless, that if all the members of the City Council be present at any such special meeting, the Council shall then be competent to deal with any matter of business, whether mentioned in such notice or not.

Three days notice of special meetings to be given.

If all the members be present, any business may be proceeded in.

XL. And be it enacted, That in all special meetings of the City Council to be held under this Act, six members with the Mayor or Chairman shall constitute a Court for the purpose or purposes for which they had been convened as aforesaid, and a majority of the members present shall determine the questions and matters submitted for consideration; and in all general meetings six members with the Mayor or Chairman, as hereinbefore mentioned, shall in all cases be competent for the despatch of business; and it shall be the duty of the City Clerk at all meetings to keep a minute of the proceedings, in which he shall enter the names of the members who shall be present at the opening or during the continuance of such meeting, and the persons whose names have been so entered shall be deemed and taken to be to all intents and purposes present at such meeting until the same shall be formally adjourned or dissolved by the presiding officer; and the rules, orders, regulations, enactments and decisions of such meeting shall not be deemed illegal or contrary to the true intent and meaning of this Act, notwithstanding some of the members shall withdraw therefrom previous to such adjournment or dissolution.

Quorum for business in general and special meetings.

City Clerk to keep a minute of the proceedings, in which he shall enter the names of the Members present, who shall be deemed to have been present till the adjournment.

XLI. And be it enacted, That at all meetings of the City Council, the Mayor of the City, if he be present, shall preside, and in case of his absence the Councillors present shall choose one of their own number to act as Chairman and preside at such meeting; and the Mayor or Chairman so presiding shall not vote, except in case of equal votes, upon any question, and he shall then have a casting vote, and all meetings of the City Council shall be held with open doors.

Mayor to preside at all meetings, or a Chairman appointed on the occasion of absence, but neither of them to vote except in cases of equal divisions.

Minutes of proceedings to be fairly entered in a book, and signed.

To be open to inspection.

Candidates dissatisfied with the decision of the officer holding an Election, may appeal to the City Council.

City Council may appoint select Committees of their own body for particular duties.

Members of the City Council guilty of improper conduct, or using indecent or profane language, may be punished by reprimand, fine or expulsion.

**XLII.** And be it enacted, That the minutes of proceedings of all meetings of the said City Council to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose by the City Clerk, and shall be signed by the Mayor or Chairman presiding at such meeting; and the said Minute Book shall be open, on payment of a fee of one shilling, to the inspection of all persons qualified to vote at the Election of Councillors.

**XLIII.** And be it enacted, That if any candidate or duly qualified elector be dissatisfied with the decision of the officer or person holding any Election under this Act, in any case relating to the return of a Mayor, Councillor or Assessor, such candidate or elector shall, within ten days next after the day of such Election, make application in writing through the City Clerk to the City Council, setting forth the cause of complaint, and demanding an investigation thereon; and the said City Council are hereby authorized and required to assemble, and examine and determine the matter of such complaint without delay; but the Mayor or Councillor whose return or seat is in dispute shall not vote on the examination of such complaint; and if it shall appear to the City Council, by satisfactory evidence on complaint as aforesaid, that any person has been returned, and is serving as Mayor, Councillor or Assessor contrary to the provision of this Act, the said City Council shall declare his Election to be void, and shall direct a new Election to be held to supply his place, as in the case of other extraordinary vacancies.

**XLIV.** And be it enacted, That it shall be lawful for the said City Council to appoint from and out of the members composing such Council such and so many Committees, and consisting of such number of persons as they may think fit, for the better transaction of the business before such Council, and for the discharge of such duties as by the said Council may be prescribed, but subject in all things to the approval, authority and control of the said Council; and in all questions coming before any of such Committees, a majority of the members present shall determine such questions, provided that a majority of the persons composing such Committee be present.

**XLV.** And be it enacted, That if at any meeting of the said City Council to be held under this Act, any member of the City Council shall be guilty of grossly violent or improper conduct, or shall make use of language indecent or profane, or insulting to the presiding officer, or to any member of the Council present at the meeting, the City Council, if seven members in all, or more, besides the offender, be then present, and concur in the sentence, may expel such offending Councillor from the City Council, or another meeting may be specially summoned to adjudicate upon the subject, the time and object of such meeting being previously notified in writing to every member, or be left at his usual place of abode, as in the case of other special meetings, and if eight members at least, including the offender, be present at such special meeting, the Council so assembled shall have power, after due trial and proof of the offence, (in such manner as may be determined at such meeting,) to punish the offender by reprimand, fine or expulsion, as any seven of the members then present shall think fit; provided that in the case of expulsion, the person so expelled shall forthwith cease to be a member of the City Council, and forfeit all rights, powers and privileges enjoyed by him as such, and the Mayor shall immediately order a new Election to supply the vacancy occasioned by such expulsion as in the case of other extraordinary vacancies; and provided also, that in case a fine shall be imposed, the same shall in no case be more than five pounds, to be recovered with costs, in the name of the City Treasurer, who is hereby authorized and required to sue for the

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the same before any competent Court in a summary manner, in which a certificate under the hand of the City Clerk shall be conclusive evidence of the defendant's liability, which certificate the said City Clerk is hereby authorized and required to furnish without fee or reward.

**XLVI.** And be it enacted, That any meeting of the City Council to be held under this Act may be adjourned from day to day for three days in the whole, and no longer.

**XLVII.** And be it enacted, That at the first meeting of the City Council after every annual Election, or at any subsequent meeting the said City Council, if they see fit, may nominate and appoint from time to time out of respectable citizens of the said City, a City Clerk, who shall also be the law adviser of the City Council, (and whose duties and responsibilities in relation to the said City and to all the officers to be appointed within the same, and to every of them, shall in all respects be the same as the duties and responsibilities of the Clerk of the Peace of any County in this Province,) an Auditor, a City Treasurer, a City Marshal, a Clerk of the Market, and so many Constables, Surveyors of Roads, Collectors of Rates, Pound Keepers, Harbour Master or Wharfinger, according to the true intent and meaning of this Act or any bye law; and to define the duties of such officers, and their respective terms of office, which, except in the cases of the City Clerk and Treasurer, shall not be longer than one year, unless they be re-appointed; and the City Council may also remove or displace any of the said officers, and appoint others in their stead, and to impose penalties for the non-performance of duties, or other misdoings of such officers, and to cause such penalties to be levied and recovered by distress or otherwise, as such Council may direct, and shall grant and allow in any year, by stated salary or otherwise, to the City Clerk and other officers so to be appointed as aforesaid, such allowance or other compensation for their services as the said City Council may think fit; provided that no person shall be capable of acting in any office to which he may be appointed by the City Council until he shall have been sworn, or have affirmed (if a Quaker) before the Mayor of the City, that he will diligently, faithfully and impartially, and to the best of his ability, discharge the several duties appertaining to the office to which he has been appointed, so long as he shall hold the same.

**XLVIII.** And be it enacted, That no person shall be capable of acting as City Clerk, Wharfinger, Collector of Rates, or in any other office or capacity accountable for the City Revenues, or any part thereof, until he shall have entered into a bond to the City of Fredericton, with two sufficient sureties, to be approved by the City Council, in such form and for such penal sums as the Mayor shall approve, or any bye law prescribe, conditioned to account for and pay over to the City Treasurer all moneys received by him on behalf of the said City; and provided also, that the City Treasurer, before entering upon the duties of his office, shall enter into a bond to the City of Fredericton, with two or more sureties, to be approved by the City Council, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office.

**XLIX.** And be it enacted, That the Treasurer of the said City shall receive all rates, taxes, assessments, fines, penalties, imposts, or other moneys payable by the inhabitants of the said City, or received for and on account of the revenues of the said City under and by virtue of this Act, or of any bye laws to be made by the City Council by the authority of the same.

**L.** And be it enacted, That the said City Treasurer shall not pay out any moneys as such Treasurer otherwise than upon an order in writing of the Council

Meetings of the City Council may be adjourned from day to day.

City Council to annually appoint a City Clerk, an Auditor, a City Treasurer, Marshal, Clerk of the Market, Constables, Surveyors of Roads, Collectors of Rates, Pound Keepers, Harbour Master or Wharfinger.

Power to displace officers, and impose penalties for neglect of duties; and grant salaries.

Officers to be sworn.

City Clerk, Wharfinger, Collector of Rates, or other officer accountable for City Revenue, to give security by bond.

City Treasurer to give bond in £500.

City Treasurer to receive all rates, taxes, fines, &c.

City Treasurer not to pay out moneys without an written order

order of the City Council.

of the said City, to be signed by the Mayor, or in his absence, by the Councillor presiding at any meeting of the Council when such moneys were ordered to be paid, and countersigned by the City Clerk or City Auditor.

City Council to publish detailed statements of accounts one month before each annual Election.

LI. And be it enacted, That it shall be the duty of the City Council to publish in one or more of the Newspapers published in the City, one month before the annual Election of Mayor and Councillors in each year, for the information of the citizens, a full and detailed statement of the receipts and expenditure of the Corporation during the past year; and in every such statement the different sources of revenue, and the amount received from each; the several appropriations made by the Council, the objects for which the same were made, and the amount of moneys expended under each; the moneys borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified; together with the amounts of all assessments ordered and made, the several purposes of such assessments, the amount actually received under such assessments, and a detailed account of the application thereof; and that such statements and accounts shall be made up to the thirty first day of December preceding such publication in each year, signed by the Mayor and Auditor of the City for the time being.

Officers entrusted with the collection or expenditure of moneys, to be accountable to the City Council, and full statements to be deposited with the City Clerk for inspection.

LII. And be it enacted, That all Boards, Commissioners and Officers appointed to act under the authority of the said City Council, and entrusted with the collection or expenditure of any moneys belonging to the said Corporation, shall be accountable therefor to the said City Council, in such manner as may be ordained and directed by the bye laws and ordinances of the said City Council; and the books of accounts of the said Corporation, shewing the amounts, particulars, state and circumstances, and also the receipt and expenditure of the property, funds, taxes and effects, and fees belonging and accruing or payable to the said Corporation, or any of its officers, and a full and particular account of the same shall be deposited and kept in the Office of the City Clerk, and shall be there exhibited for the inspection and examination of every elector of the City who may, within the usual office hours on any business day, apply to inspect and see the same, on payment of one shilling for every such inspection or search.

City Council in addition to the general powers of making bye laws, empowered to make bye laws on the following subjects:

LIII. And be it enacted, That the said City Council, in addition to the general powers of making bye laws for the good government of the said City, and the other powers incident thereto, specially conferred in and by the provisions of this Act, shall, in the manner hereinafter mentioned, have the sole power and authority from time to time to make, ordain, enact, revise, alter and amend such laws as they may deem proper for the several purposes following, within the said City, that is to say:—

Weights and measures.

1st. For regulating weights and measures in the Public Markets and all other places within the said City, according to the lawful standard, and to authorize the seizure and destruction of such as are not according to the standard, and to impose fines or penalties on the owner of or person using such defective or fraudulent weights or measures, beams, scales or other devices for weighing:

Markets and fairs.

2nd. To regulate and manage the Market or Markets, and to establish and regulate Market Days and Fairs:

Selling, weighing and measuring certain articles.

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

4th. To restrain and regulate the purchase and manner of selling of vegetables, fruit, country produce, poultry, and all other articles and things, or of animals openly exposed for sale or marketed:

- 5th. To restrain and regulate the purchase of such things by hucksters and runners living within the City less than one mile from the outer limits thereof : Purchasers by hucksters and runners.
- 6th. To regulate the measurement of coal, lime, salt, grain, boards, cordwood and other fuel, clapboards, shingles, laths and other lumber, and to impose penalties for light weight or short count or measurement in any thing marketed : Measurement of coal, lime, boards, cordwood, &c.
- 7th. To regulate all vehicles, vessels and other things in which any thing may be exposed for sale or marketed in any street or public place, and to seize and destroy all tainted and unwholesome meat, poultry, fish or other articles of food, and to impose and recover such reasonable penalties as may be deemed proper, upon the person or persons exposing for sale such tainted or unwholesome articles within the said City : Vehicles and vessels in which any thing is marketed.
- 8th. To regulate the assize of bread, and provide for the seizure of bread baked contrary thereto, and to impose penalties upon the person so baking contrary to the provisions of any bye laws to be made in that behalf : Assize of bread.
- 9th. To regulate the anchorage, lading and unlading of vessels and other craft arriving at the said City : Anchorage, &c.
- 10th. To regulate and provide for the erection, management and rent of wharves, piers, quays, landings and docks in the said City, and the toll to be paid for vessels and steam boats touching thereat or using the same, and to prevent the filling up or encumbering the River Saint John within the said City, or impeding the free navigation thereof, and to regulate and establish ferries within the limits of or belonging to the said City : Wharves, tolls, navigation and ferries.
- 11th. To regulate carters, wagoners and cartmen ; the price to be paid to them for hauling loads in the said City, and the quantity to comprise a load : Cartmen and wagoners.
- 12th. To enforce the due observance of the Sabbath : Sabbath.
- 13th. To punish vice and immorality and indecency in the streets or other public places within the City : Vice and immorality.
- 14th. To preserve peace, health and good order : Peace, health and good order.
- 15th. To prevent the spreading of infectious or other diseases : Diseases.
- 16th. To prevent excessive beating or other cruel and inhuman treatment of animals : Treatment of animals.
- 17th. To prevent the sale of any intoxicating drinks to children, apprentices or servants, without the consent of their lawful protectors : Sale of liquors to children, apprentices or servants.
- 18th. To impose penalties on the keepers of low tipping houses frequented or visited by dissolute and disorderly persons, where spirituous liquors are not sold : Tipping houses.
- 19th. To licence, regulate or prevent billiard tables, bowling alleys, or other places of amusement : Billiard tables, bowling alleys, and places of amusement.
- 20th. To restrain or suppress gambling houses, and to enter into them and seize and destroy rouge et noir and roulette tables, and other devices for gambling : Gambling houses.
- 21st. To restrain and punish all vagrants, drunkards, mendicants and street beggars : Vagrants.
- 22nd. To restrain or to regulate the licencing of all exhibitions of natural or artificial curiosities, and all theatres, circuses, or other shows or exhibitions for hire or profit, and for preserving quiet and order thereat : Public exhibitions.
- 23rd. To establish and regulate one or more pounds, and the fees to be taken thereat : Pounds.
- 24th. To restrain, regulate or prevent the running at large of horses, cattle, swine, goats, sheep, dogs, geese and poultry, and to impound the same : Cattle, poultry and dogs.
- 25th. To impose a tax on the owners or harbourers of dogs, and to regulate and prevent dogs running at large, and to provide for killing such as are found so running at large contrary to any law or bye law, after public notice given : Dog tax.
- 26th.

- Public nuisances.** 26th. To abate and cause to be removed all public nuisances, and all filth or incumbrances in the streets :
- Privy vaults and sinks.** 27th. To regulate the construction of privy vaults and sinks on private property :
- Enclosing of vacant lots.** 28th. To cause vacant lots in central situations, when they become nuisances, to be properly enclosed at the cost and expense of the owner, and to recover such expenses, with costs, in a summary manner :
- Slaughter houses, distilleries, tanneries, &c.** 29th. To regulate and prevent the erection or continuance of slaughter houses, distilleries, tanneries, and manufactories or trades which may be or be likely to become nuisances :
- Unusual noises.** 30th. To prevent the ringing of bells, blowing of horns, shouting, and other unusual noises in the streets and other public places :
- Public squares, parks or parades.** 31st. To purchase, enclose, plant, lay out and adorn any public square, park or parade, for the use of the City, and to make and ordain rules for the government and preservation thereof, and to impose penalties and punishments by fine or imprisonment, or both, for the violation or non-observance of such rules :
- Trees planted.** 32nd. To prevent the injuring or destroying of trees planted within any of the streets or public grounds of the said City :
- Immoderate driving or riding.** 33rd. To prevent immoderate driving or riding within the City :
- Bathing and bathing houses.** 34th. To establish bathing houses, and prevent or regulate bathing in the River Saint John, or any public water in or near the said City :
- Livery stables, also porters, butchers and hucksters.** 35th. To regulate and licence owners of livery stables, or other owners of horses or carriages letting out the same for hire or profit, and also porters, butchers and hucksters :
- Police, and arrest of rogues and disorderly persons.** 36th. To establish and regulate a Police for the said City, and take up and arrest, or order to be taken up and arrested, all rogues, stragglers, idle and disorderly persons, and order them to be set to work on the streets, or committed to the work house or common gaol for such term not exceeding ninety days at any one time as shall seem meet :
- House of refuge, hospital, work house, bridewell or house of correction.** 37th. To provide for the proper keeping and management of any house of refuge, hospital, work house, bridewell, or house of correction, that may be erected or established in the said City, and also to provide for the erection or establishment of any such houses of refuge, hospitals, work houses, bridewells, or houses of correction, as they may deem necessary for the public welfare :
- Supply of water.** 38th. To erect, preserve and regulate public cisterns, reservoirs, and other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charges for the use thereof :
- 39th. To establish, make and regulate public fountains, pumps and wells, and to prevent the waste and fouling of public water :
- Firing guns,** 40th. To prevent or regulate the firing of guns or other fire arms :
- Squibs, fireballs, crackers, and other fireworks.** 41st. To prevent or regulate the firing or setting off of squibs, fireballs, crackers, or other fireworks :
- Keeping or removal of gun powder or combustibles.** 42nd. To prevent or regulate the keeping, or transporting of gunpowder, or other combustible or dangerous substances :
- Fires or lights in livery or other stables.** 43rd. To prevent or regulate the use of fire, lights or candles in livery or other stables, and in cabinet makers' and carpenters' shops, and in other places where combustible substances are kept, and to prevent or punish the use of pipes and cigars :
- Dangerous trades or manufactories.** 44th. To regulate the carrying on of manufactories or trades dangerous in causing or promoting fires :
- Ash deposits.** 45th. To regulate and require the safe keeping of ashes in proper deposits :

- 46th. To provide for the security, safety and advantage of the inhabitants by such rules and regulations and restrictions as they may deem expedient, to be observed by all persons in the erection of buildings to be built within the populous parts of the said City : Buildings in the populous parts of the City.
- 47th. To regulate the construction of any chimney, flue, fire place, stove, oven, boiler, or other apparatus or thing in any house, manufactory or business, which may be dangerous in causing or promoting fires : Construction of chimneys, ovens, boilers, &c.
- 48th. To enforce the proper sweeping or cleaning of chimneys : Cleaning of chimneys.
- 49th. To regulate the number of fire buckets to be provided by the several inhabitants, and the time and manner in which they shall be so provided ; and also to provide for the examination of such buckets, and the use of them at fires : Supply of fire buckets.
- 50th. To regulate the conduct and enforce the assistance of the inhabitants at fires, and for the preservation of property thereat : Assistance at fires.
- 51st. To make regulations for the suppressing of fires, and the pulling down or demolishing adjunct houses, and remunerating the owners thereof in certain circumstances : Suppressing of fires.
- 52nd. To compel the owners or occupiers of houses to have ladders leading to and on the roof of such houses : House ladders.
- 53rd. To establish and regulate engine, fire hook, ladder, and property saving Companies, and to provide and afford exemptions and immunities to the officers and members thereof : Fire engines and property saving companies.
- 54th. To provide for the purchase of such and so many fire engines as they may deem necessary : Purchase of fire engines.
- 55th. To provide for the payment of such premium or reward for early attendance of wagons or other vehicles with water at fires, as to the said City Council may from time to time seem expedient : Premium for early attendance at fires.
- 56th. To appoint from time to time such and so many persons to be Firewards as the said Council may think proper, and to enact rules and regulations prescribing the duties of such Firewards : Firewards.
- 57th. To regulate the management and provide for the security of the public property of every kind belonging to the said City, and to provide for the permanent improvement of the said City in all matters as well ornamental as useful : Public property and permanent improvement of the City.
- 58th. To provide for the erection, preservation and security of lamp posts, sign boards, and other fixtures within the City : Lamp posts, sign boards, and other fixtures.
- 59th. To provide for defraying out of the funds of the said City, if it be deemed necessary, the expense of lighting the same or any part thereof with gas, oil, or other substances, and for the performing of any kind of work required for the purpose of supplying the said City with gas, oil, or other substance, and for compelling the proprietors or occupiers of real property to allow such work to be done, and to permit such fixtures as may be necessary to be placed in and about their premises, such work and fixtures to be at the cost and expense of the City ; and to provide for the erection of all works connected with such lighting, or that may be necessary to furnish a supply of gas, oil, or other substances, for the inhabitants of the said City ; Lighting the City.
- And generally to make all such laws and ordinances as may be necessary and proper for carrying into execution the powers herein vested, or that may hereafter be vested in the said City Council, or in any officer or department of the same, subject to the limitations with respect to penalties contained and prescribed in and by this Act. And generally to make all laws and ordinances necessary for the powers conferred.
- LIV. And be it enacted, That the said City Council shall have and they are hereby invested with the sole and exclusive power to open, lay out, regulate, repair, City Council invested with the sole control of the

streets, lanes and  
alleys ;

And of building  
drains, culverts and  
bridges ;

Of paving any part  
of the streets ;

Of preventing the  
encumbering,  
injuring or fouling  
the same ;

Of making bye laws  
for sale, &c., of  
encumbrances ;

The breaking of  
Winter roads ;

Erecting common  
sewers, and provid-  
ing for the expense.

Removal of  
projections, &c.

Act not to authorize  
the opening of roads  
through private  
property without  
compensation.

City Council  
empowered to raise  
money by assess-  
ment for the  
execution of their  
powers, and also  
for maintaining a  
Police.

repair, amend and clean the streets, lanes and alleys now existing, or that may hereafter be found necessary within the said City, and of such parts of highways and bye roads (if any) as may be within the limits thereof; and of putting or building drains, sewers, culverts and bridges therein, and to prevent the encumbering of the same in any manner, and to protect the same and every part thereof from encroachment and injury, by such bye laws and ordinances as the said City Council may from time to time enact and establish for the purposes aforesaid; and for making, flagging, planking, macadamizing, paving, raising, repairing, lighting, watching, planting and draining any or any part of the streets, squares, commons, lanes, alleys, walks, side walks, crossings, roads, bridges, wharves, docks, slips and shores, now laid out or erected, or hereafter to be laid out, executed or erected within the limits of the said City; and to regulate or prevent the encumbering, injuring or fouling of the same by any animals, vehicles, vessels, crafts, lumber, building or other materials or things, in any way or manner whatsoever; and to make, ordain and enforce bye laws and regulations for the confiscation, sale, removal or destruction of any such encumbrances or any such nuisance, and to impose penalties on the owners or persons placing the same in such places, and to levy and recover the same by distress and sale of goods, or to award punishment therefor, by the imprisonment of the party offending, as may seem discreet and proper in the respective cases; and to regulate the breaking of the roads and streets of the said City in the winter, and to require the owners of horses, sleds and other teams to assist thereat, and the putting of poles in the ice on the River Saint John in front of the said City; and to provide for erecting, making or repairing any common sewer, drain, flagging, posts, or pavement of stone, deal, plank or other material, in any public street, square or place, and for assessing the proprietors or lessees of such real property as will be immediately benefited by such improvements, and to regulate the time and manner in which such assessment shall be collected and paid; and for directing and causing the removal at any time of any erections, projections or obstructions whatsoever, which may project into or over any public street, square or road, at the expense of the proprietors, or of the occupants of the real property in or near which such erection, projection or obstruction may be found; provided that nothing in this Act contained shall extend or be construed to extend to authorize the opening of any streets, roads or highways through the private property of any person or persons without complying with the provisions of any Act or Acts of this Province for providing for the awarding of damages to any person or persons who may be injured thereby.

LV. And be it enacted, That it shall be lawful for the said City Council, at any meeting or meetings to be held as hereinbefore provided, to direct the raising, assessing, levying, collecting and applying such moneys as may be required for the execution of the powers with which the said City Council is hereby invested, and for maintaining a good and efficient system of Police, in such manner as may be paid in respect of any public works, or in respect of any other matter or thing within the said City, or by means of any rate or assessment to be assessed or levied on real or personal property, or both, within the City, or upon the owners or occupiers thereof in respect of such property, or upon the income of the inhabitants of the said City derived from any trade, profession or calling within the Province, or upon the poll of the inhabitants, or upon the sale of goods by public auction within the said City, or upon the capital stock or other trading capital of any Bank, Banking Company, Insurance or other trading or joint stock Company

or Corporation, or upon the agencies of Foreign Companies, being Companies whose principal place of business is not within this Province; provided that not more money in the whole than five hundred pounds shall in any one year be assessed or levied, or be collected and raised from the said City, whether by rents of property or otherwise, in any way or manner whatever, by authority of the said City Council, over and above such amount as may be necessary for the relief of the poor, the support of the fire department, lighting the City, and making and repairing the streets and roads; and provided also, that it shall be lawful for the said City Council, and they are hereby required to exempt from the payment of rates for the support of the fire department, lighting the City, or for any other object of a purely local nature, the inhabitants of that part of the said City lying below the lower line of land now owned and occupied by William Payne, and its southwesterly prolongation; and in rear of the line dividing the third and fourth ranges of Pasture Lots, and its prolongation southeasterly, to intersect the line first mentioned, and northwesterly to the lower line of the Parish of Kingsclear; and provided also, that the City Council may at their discretion remit so much of the rates imposed upon mills and other manufacturing establishments within the said City as they shall deem just and reasonable.

Amount limited to £500 per annum, exclusive of the poor, fire department, lighting, and roads.

Power to exempt from taxes.

LVI. And be it enacted, That immediately after the annual Election of Assessors as hereinbefore provided, and after they have been sworn into office, the said Assessors shall give public notice of their appointment in one or more of the public Newspapers printed within the said City; and any inhabitant or person owning property in the said City, may at any time within forty days after the date of such notice, give in to the said Assessors, or any one of them, a statement of his property and income, in the manner prescribed by the Act relating to the government of Counties, Towns and Parishes; and the Assessors, if such statement be attested before a Justice of the Peace, or the Mayor, who are severally hereby authorized to administer such oath, shall estimate or assess the property and income of such person at the amount mentioned in such statement, and no more; and the Assessors, at the expiration of forty days as aforesaid, shall proceed to assess or appraise the real and personal estate of the several inhabitants of the City, and of non-residents having property therein, and the income of the said inhabitants derived from any trade, profession or calling within the Province, (but not from real or personal property,) and shall file with the City Clerk a Roll or List of such assessment, to be prepared in such form as the City Council may determine.

Assessors to give public notice of their appointment.

Inhabitants may render statements of their property and incomes.

Assessors to assess property and incomes, and file a roll of their assessment.

LVII. And be it enacted, That whenever the said City Council may order any sum of money to be raised by rates or assessment upon the City as aforesaid, they may appoint one or more of the Assessors then in office to make the apportionment of such rates according to the List so filed by the Assessors with the City Clerk.

Rates to be apportioned agreeably to the assessment roll.

LVIII. And be it enacted, That the said City Council, by any bye law to be made for that purpose, shall have power to regulate the time and manner of collecting the rates upon any assessment within the said City, and to allow a reasonable discount for the prompt payment of such rates before the list or book shall be placed in the hands of the Collector, and to establish a summary method for recovering the rates due from defaulters residing within the City, by Writ in the nature of a *levari facias*, in the manner used for recovering fines from Jurors for non-attendance; provided that no such process shall issue for the recovery of rates due by any person rated and residing within the said City, until at least ten days after a printed or written notice shall have been delivered to such person, or

City Council may regulate the time and manner of collecting rates; and establish a summary method of recovery.

No process to issue until after notice.

left at his dwelling house or last known place of abode, either with his wife or some adult member of his family, if any such can be found; which notice shall contain a statement shewing the several amounts assessed or rated against such person, and the time at which the same is to be paid, nor until the default shall be made to appear by the affidavit of the collector or other satisfactory testimony.

In default of property whereon to distrain, party may be committed to gaol.

LIX. And be it enacted, That if any person residing within the said City, and rated therein, shall not have any property whereon to distrain for the rates due and not paid by him, it shall be lawful for the Mayor, by Warrant under his hand and seal, to cause such person to be committed to the common gaol until the said rates be satisfied; provided however, that no person who may be so committed to gaol for default in the payment of rates, shall be detained more than one day for every two shillings of the amount assessed, and of the costs directed to be levied, nor more than fifty days in the whole, if the amount exceed five pounds; and every person so committed shall be entitled to his discharge at the expiration of such time, but the execution or process shall remain in full force and effect as against the property of such person for the space of two years from the date thereof; and provided always, that no person under arrest for non-payment of rates as aforesaid, shall be deemed entitled to the benefit of the gaol limits.

Notice to be served on resident agents of non-residents, and if there be no such agent, notice to be given in the Royal Gazette.

LX. And be it enacted, That when any person assessed as a non-resident shall have a known agent in the said City, the notice hereinbefore provided to be delivered to residents, shall be delivered to such agent, in respect of the rates assessed against his principal; and if such non-resident shall not have any known agent in the City, the City Clerk shall cause a list to be published in the Royal Gazette, containing the names of all such non-residents, (who have no known agents,) and the amounts due from them respectively, and such publication shall be continued for three months, excepting the names of those who may sooner pay the amounts due from each of them, with their respective proportions of the expenses.

After due publication or delivery of notice, and default,

property of non-residents may be sold.

LXI. And be it enacted, That the Collector, at the end of such three months publication, or delivery of the notice to an agent as aforesaid, shall make application to the Mayor, under oath, setting forth the assessment and default; and the said Mayor is hereby authorized, by warrant under his hand and seal, to direct the Sheriff or a Coroner of the County of York, to sell at public auction to the highest bidder, (first giving thirty days notice of such sale in the Royal Gazette,) so much of the real estate of the person named in such warrant, as in his judgment may be sufficient to pay such assessment, with all the costs and charges attending the recovery thereof, retaining the overplus (if any) for the use of the owner; and the said Sheriff or Coroner is hereby authorized and directed to make such sale, and to execute a deed to the purchaser of such property, his heirs and assigns, and to deliver seizin and possession thereof to such purchaser.

Aggrieved persons may appeal to the City Council, who may grant relief.

LXII. And be it enacted, That any person believing himself over-assessed, or otherwise aggrieved by any assessment made in the said City, or the agent of any non-resident assessed as aforesaid, may appeal to the City Council at any time within twenty days after notice as hereinbefore provided shall have been delivered to him, or left at his last known place of residence; and the City Council shall have power to give such relief as they shall deem just and equitable, by adding the name of such person to the assessment list, or in case of over-assessment, by either ordering a deduction to be made from the amount of rates then assessed against him, or by an order that the assessors in the next succeeding year shall make the said deduction from the amount which otherwise would be assessed against the appellant in such succeeding year; and in the latter case the

the amount so to be deducted shall be entered in the assessment roll as a deduction for overcharge in the previous year.

LXIII. And be it enacted, That any rate or assessment with which any lands, tenements or hereditaments within the said City may be legally rated or assessed, may be exacted and recovered either from the owner of the property so rated or assessed, or from any person occupying the same, or any part thereof, as a tenant or otherwise; and when any such rate or assessment shall be paid by any tenant not liable to make such payment by the terms of the lease or other agreement under which he holds or occupies such property, such tenant may deduct or set off the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the property so rated and assessed, or may recover the same, with costs, from the said owner, by action in any competent Court.

Assessments on real property may be exacted from the owner or the tenant who may deduct the amount from the former.

LXIV. And be it enacted, That all debts that from and after the passing of this Act shall become due and payable to the said Corporation, for or by reason of any rate or assessment assessed or imposed upon any real or personal property, or both, within the said City, or upon the owners or occupiers thereof in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to the Crown, and shall, in the distribution of the proceeds of property, whether personal or real, of any person liable to pay any such debt, be so held, considered and adjudged in all Courts of Law or Equity, and all Surrogate Courts, and by all Commissioners or other persons having jurisdiction in Bankruptcy in this Province; provided always, that such preference shall not extend beyond the amount of the rate and assessment due for two years, that is to say, the amount due for the then current year and the year next preceding the same.

Debts due the City Corporation for assessments to be privileged debts, and entitled to a preference over all others except crown debts.

LXV. And be it enacted, That if in any assessment as aforesaid it shall happen that property belonging to one person shall be assessed against another person, or if the name of any person liable to be assessed shall have been omitted in the assessment list, or if any error shall occur in the addition, extension or apportionment of any part of the said list, it shall be lawful for the said assessors to correct such errors and supply such omissions at any time before another assessment is made for a similar purpose.

Certain errors and omissions in the assessments may be rectified by the Assessors.

LXVI. And be it enacted, That no assessment or rating shall be deemed illegal, although the sum total of such assessment may exceed the amount ordered to be raised, if such excess do not amount to more than ten per cent. in the whole.

Assessment not to be deemed illegal if it exceed the amount to be raised by ten per cent.

LXVII. And be it enacted, That from and after the passing of this Act, all the powers vested in the Court of General Sessions for the County of York in and by the several Acts of the General Assembly of this Province for regulating Tavern Keepers and Retailers, shall be transferred to and vested in the said City Council, so far as such laws may be applicable to the City of Fredericton; and the Mayor and each several Councillor for the time being of the said City, shall have full power and authority to do any act or thing in respect of the said Acts within the said City, which are in the said Acts directed or permitted to be done by a Justice of the Peace; provided that all penalties or fines imposed and recovered within the City, for violation of the said laws, and all moneys exacted for granting licence to Tavern Keepers or Retailers, (which shall not in any one case exceed the sum of fifteen pounds for twelve mouths,) shall be paid to the City Treasurer for the use of the said City; and provided also, that no General or Special Sessions for the County of York shall have power to grant any Tavern, Retail or other Licence, or to make any rules or regulations respecting the same, to be in force within the

Powers of Court of General Sessions, in respect of Tavern Keepers and Retailers, transferred to the City Council so far as applicable.

Penalties to be paid to the City Treasurer.

LXVIII.

Vessels (other than ferry boats) wood, lumber, &c., on the northeastern side of the River, exempted from this Act.

**LXVIII.** And be it enacted, That nothing in this Act contained shall be construed to authorize the City Council of the said City to interfere with the arrival or departure, or the lading or unlading, or mooring of vessels, boats or other craft, except ferry boats, or with the landing of wood, timber or other lumber on the northeastern shore of the River Saint John, or within five hundred feet from the line of low water mark thereon, or to impose any restriction thereon; provided that nothing herein contained shall in any way impair or diminish the municipal rights of the said City within the limits thereof.

Rights vested in the Justices of the County by Acts 9V. c. 73, and 10 V. c. 7, relative to lands acquired from the Ordnance Department, transferred to the City Council.

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

Lands within the City not heretofore granted or reserved, vested in the City Corporation.

**LXX.** And be it enacted, That all lands within the City which have not heretofore been granted by Her Majesty or Her Royal Predecessors to any person or body corporate, or reserved by the Crown for any special purpose, are hereby vested in the said Corporation of the City of Fredericton, in as full and ample manner as if the same had been conveyed by Grant from Her Majesty, but no prescriptive appropriation, or user, or reputed user, of any tract of land within the City by the inhabitants for a road shall be affected by this Act.

Agreement as to the expense of administering justice, to be made with the General Sessions.

**LXXI.** And be it enacted, That the Justices of York in General Sessions and the City Council, shall annually agree upon the amount to be paid by the said City towards the expense of administering justice in the said County, which for the said City shall not exceed the proportion that the population of the City bears to that of the County, and the City Treasurer shall pay over to the Treasurer of the County of York the amount that may be so determined as aforesaid.

No citizen or officer of the Corporation to be an incompetent witness as such.

**LXXII.** And be it enacted, That in any action or other proceeding at law or equity, or otherwise, in which the said City shall be a party or concerned, no citizen or officer of the said Corporation shall in consequence thereof be deemed an incompetent witness or juror, but the objection shall go to the credit only of such person as a witness.

Grand Jury of the County to be the Grand Jury of the City.

**LXXIII.** And be it enacted, That the Grand Jury for the County of York shall also be deemed the Grand Jury or Inquest of the City, and shall have the full powers vested by law in Grand Juries, except in the inspection of accounts, the approval of assessments, salaries and fees, and in the regulation of the fiscal affairs of the said City.

In criminal matters, the jurisdiction of the Court of General Sessions, Special Sessions of Justices, and Grand Juries, to continue except as altered.

**LXXIV.** And be it enacted, That in all matters of a criminal nature the jurisdiction of the Court of General Sessions or any Special Sessions of the Peace, and of Justices of the Peace, and of the Grand Jury as Grand Inquest of the County, shall continue in full force within the said City as if this Act had not passed, except in cases where by this Act, or by any bye law to be enacted by authority thereof, the cognizance of such criminal matters has been vested in the said Corporation, or in some of its officers; and the said General or Special Sessions, Justices or Jurors, shall have no power to interfere directly or indirectly with any of the fiscal, prudential or municipal affairs of the said City.

**LXXV.**

LXXV. And be it enacted, That the Mayor of the said City, during his continuance in office, shall be and be deemed, within the limits of the said City, a Justice of the Peace in and for the County of York, and shall have, use and exercise the same and the like powers and authority within the said City, as if he had been nominated and commissioned a Justice of the Peace; provided always, that his authority as such Justice shall not extend beyond the limits of the said City.

Mayor of the City to have within the City the power of a Justice of the Peace for the County.

LXXVI. And be it enacted, That the several Councillors of the said City, while in office as such, shall also be and be deemed Justices of the Peace in the same manner and to the same extent as is provided in the case of the Mayor.

Councillors to be Justices of the Peace to the same extent as the Mayor.

LXXVII. And be it enacted, That the Mayor for the time being of the said City, shall also be and be deemed a Justice of the Inferior Court of Common Pleas in and for the County of York, and shall have and use all the powers and privileges incident to such office.

The Mayor to be deemed a Justice of the Inferior Court of Common Pleas.

LXXVIII. And be it enacted, That the City Council may order such amount of salary (not exceeding fifty pounds per annum) as they may see fit, to be paid to the Mayor; and all fees or costs accruing from the performance of his duties, except the fees to be received by him as a Justice of the Common Pleas, shall be paid to the City Treasurer for the use of the said City.

City Council may award a salary to the Mayor.

LXXIX. And be it enacted, That the High Sheriff, and the Register of Deeds and Wills for the County of York, and such and so many of the Coroners of the said County as shall be resident in Frederickton, shall be respectively High Sheriff, Register of Deeds and Wills, and Coroner or Coroners in and for the said City; and the Common Gaol of the County of York shall be deemed and taken to be the Common Gaol of the said City.

Sheriff of York, Register of Deeds, resident Coroners, and Gaol, to be Sheriff, Register, Coroner, and Gaol of the City.

LXXX. And be it enacted, That for the purposes of assessments within the said City, the President or other Chief Officer, or the Cashier, Agent or Manager of any Company or Corporation, shall be deemed and taken to be and assessed as the owner of its capital stock; provided always, that such assessment shall be made separate and distinct from the proper assessment of such President, Chief Officer, Cashier, Agent, or Manager; and the name, style or firm of any copartnership in trade or business shall be entered in the assessment roll as assessed for the property or income of such copartnership, and the assessed amount may be recovered from and levied upon any member of such copartnership; and in case of mortgaged property, the party in possession shall be deemed the owner for the purposes of assessment; and the form of the assessment roll, and the construction of the terms 'real estate' and 'personal estate,' shall in all respects be the same as prescribed in an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the local government of Counties, Towns and Parishes in this Province.*

Certain officers of Corporations may be assessed as the owners of the capital stock; but separately from the assessment to which they may be individually liable.

LXXXI. And be it enacted, That all fines, penalties or forfeitures to be recovered by the provisions of this Act, or by any of them, or by virtue of any bye law to be made and enacted under the authority hereof, shall and may be sued for, recovered and enforced on the oath of one or more credible witness or witnesses, before the Mayor of the said City and any one of the City Councillors, and in case of the sickness or absence of the said Mayor from the said City, before any two of the said Councillors, who are hereby authorized and empowered to be, and are hereby constituted a Court for the trial of all complaints, suits, prosecutions or controversies arising under this Act, or the said bye laws or any of them, within the limits of the said City, and to which any fine, penalty or forfeiture is or shall be attached by virtue of this Act or of any such bye law; and such fine, penalty or forfeiture may be levied and recovered by Warrant of distress of the offender's goods and chattels, under the hands and seals of the

Recovery of fines, penalties or forfeitures.

Mayor and one Councillor, or two Councillors in the absence of the Mayor, constituted a Court for the trial of controversies to which penalties are attached.

said Mayor and City Councillor; and in default of payment of such fine, penalty or forfeiture, or for want of sufficient goods and chattels of the offender whereon to levy such fine, penalty or forfeiture, together with costs and the charges of distraining and selling the same, to commit the offender or offenders to the common gaol or house of correction for such period not exceeding six months, as the said Mayor and City Councillor shall direct; and all such complaints, suits, prosecutions or controversies shall be prosecuted by Summons or Warrant, in the discretion of the said Mayor and City Councillor, in the name of the City Treasurer, or any one of the Councillors not engaged in the suit and trial of the cause, and the proceedings shall be *viva voce*, and conducted in a summary way, and regulated by the provisions of an Act made and passed in the twelfth year of the Reign of Her present Majesty, intituled *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, within this Province, with respect to summary convictions and orders*, so far as the same are applicable to and not altered by the provisions of this Act; and judgment shall be given as the very right of the matter may appear, without regarding technical objections, imperfections or defects which do not affect the substantial justice of the case.

12 V. c. 3f.

At the first election of Mayor, Councillors and Assessors, payment of rates due for the year 1849 to be deemed the pecuniary qualification under sections 6 and 7 of this Act.

LXXXII. 'And whereas by reason of the assessment upon the inhabitants of the said City for the year of our Lord one thousand eight hundred and fifty having been made and ordered but a short time before the passing of this Act, it may so happen that the whole amount thereof may not have been paid in and satisfied, by the time at which the first Elections of Mayor and Councillors and Assessors are directed to be held in and by the thirteenth and fourteenth sections of this Act, whereby many persons, without having made default, might be deemed and taken to be disqualified from voting, or from being candidates at the said Elections; for prevention whereof,' Be it enacted, That for the purposes of the said first Elections only, the payment of the rates assessed for the year of our Lord one thousand eight hundred and forty nine shall in all cases be deemed to be such a payment of taxes as shall be sufficient to constitute the qualification of voters or candidates under the provisions of the sixth and seventh sections of this Act, in so far only nevertheless as the payment of taxes is enacted and declared to be a part of such qualification, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Construction clause.  
Lieutenant Governor.  
City Clerk.

Gender.

Number.

Act to be construed so as to give it effect.

LXXXIII. And be it enacted, That in the construction of this Act, the words 'Lieutenant Governor' shall be understood also to mean the person administering the Government of this Province for the time being; any thing directed to be done or received by the City Clerk, shall be understood to be done or received legally when done or received by such person as may be appointed to act as such for the time being; the masculine gender, when used or occurring in this Act, shall be held also to include the feminine gender; and the plural number shall be held also to include the singular number, except where such construction might imply a legal or evident contradiction; and all the provisions of this Act shall, if necessary, be so construed together as best to render them operative and effectual for the purposes intended.

FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. I.

An Act to incorporate the European and North American Railway Company.

Passed 15th March 1851.

**WHEREAS** it is contemplated, under concurrent Charters, to construct a Preamble.  
‘ continuous line of Railway from Bangor, in the State of Maine, through  
‘ the Provinces of New Brunswick and Nova Scotia, to Halifax, or some other Port  
‘ on the Eastern Coast of Nova Scotia, under the name of “ The European and North  
‘ American Railway Company,” thereby affording an uninterrupted route of land  
‘ communication to all parts of North America, from some Atlantic Port in the most  
‘ direct line of Emigration, Traffic, and Travel, between the old and the new world :  
‘ And Whereas in furtherance of this great object, the Legislature of the State of  
‘ Maine has passed an Act to authorize the construction of such Railway through  
‘ their own territory, by a Corporation under the aforesaid name: And Whereas  
‘ it is advisable for the more efficient and economical construction and working of  
‘ the said Railway, that provision should be made in the concurrent Charters of the  
‘ said Provinces and State, to enable the respective Corporations, or Companies, by  
‘ deed, contract or agreement, if they deem it expedient, to establish a uniform sys-  
‘ tem of management and direction over the whole proposed line: And Whereas it  
‘ is the duty of this Province to grant every facility and encouragement to such  
‘ enterprising persons as may be desirous and willing to make and maintain such a  
‘ Railway throughout this Province, by granting to them an Act of Incorporation,  
‘ with the privilege of establishing Branch Lines and Steam Vessels in connexion  
‘ with the said Railway, both on the Gulf of Saint Lawrence and the Bay of Fundy,  
‘ as the Company may deem desirable ;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and  
Assembly, That the Honorable Ward Chipman, the Honorable Charles Simonds,  
Speaker of the House of Assembly, the Honorable E. B. Chandler, Rear Admiral  
the Honorable William Fitzwilliam Owen, the Honorable J. R. Partelow, Provin-  
cial Secretary, the Honorable Amos E. Botsford, the Honorable John Robertson,  
the Honorable R. L. Hazen, the Honorable Alexander Rankin, M.P.P., J. Mont-  
gomery, M.P.P., William Crane, M.P.P., the Honorable John A. Street, Attorney  
General, M.P.P., William J. Ritchie, M.P.P., John Hamilton Gray, M.P.P., Daniel  
Hanington,

Company incor-  
porated by the  
name of “ The Euro-  
pean and North  
American Railway  
Company.”

Hanington, M.P.P., Bliss Botsford, M.P.P., James Taylor, M.P.P., Robert B. Chapman, M.P.P., Matthew M'Leod, M.P.P., George Hayward, M.P.P., George Ryan, M.P.P., Henry W. Purdy, M.P.P., William Scoullar, M.P.P., Robert D. Wilmot, M.P.P., William H. Steves, M.P.P., Reuben Stiles, M.P.P., William H. Needham, M.P.P., S. L. Tilley, M.P.P., George L. Hatheway, M.P.P., John M. Johnson, M.P.P., William Porter, M.P.P., John Robinson, M.P.P., Robert Jardine, George Botsford, President of the Central Bank of New Brunswick, James M'Farlane, Thomas G. Hatheway, William Wright, D. J. M'Laughlin, President of the Commercial Bank at the City of Saint John, James W. Chandler, Nehemiah Marks, Frederick A. Wiggins, Joseph Salter, Enoch Stiles, George Calhoun, John Smith, John C. Littlehale, James Roach, James Secord, Alleyn C. Evanson, William Coates, Moses Jones, Silas Crane Charters, John Robb, John Hickman, Junior, Christopher Boultenhouse, Charles F. Allison, George Oulton, William H. Buckerfield, Peter Etter, Charles F. Prescott, Allan Otty, Henry Chubb, William R. M. Burtis, John V. Thurgar, George E. Fenety, T. W. Anglin, Edward Allison, Thomas E. Milledge, President of the Bank of New Brunswick, Charles Brown, George Sutherland, John Wesley Weldon, Stephen Binney, Alexander Wright, and such other persons as shall from time to time become proprietors of the shares in the Company hereby established, their successors and assigns, shall be, and they are hereby declared, ordained and constituted to be a Corporation, Body Politic and Corporate, by the name of *The European and North American Railway Company*, and shall by that name have perpetual succession and a Common Seal; and shall and may by the same name sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all Courts and places whatsoever, and shall also have power and authority to purchase, hold and enjoy lands, tenements and hereditaments, for them and their successors and assigns, for making the Railway, and for settlers on the line of the said Railway, and generally for the purposes of carrying the provisions of this Act into effect; and also that they the said Company shall from time to time, and at all times, have full power and authority to constitute, make, ordain and establish such bye laws, regulations and ordinances as may be deemed necessary for the good rule and government of the said Company; provided that such bye laws, regulations and ordinances as may be deemed necessary, be not contradictory or repugnant to the laws of this Province; and provided also, that no bye laws, regulations and ordinances made under and by virtue of the power and authority of this Act, shall be of any force or effect, until one calendar month after a true copy of such bye laws, regulations and ordinances, certified under the hand of the President of the said Company, shall have been laid before the Lieutenant Governor or Administrator of the Government in this Province for the time being, for approval or disapproval, unless the Lieutenant Governor or Administrator of the Government shall before such period signify his approbation thereof.

II. And be it enacted, That the capital stock of the Company hereby established shall be Fifteen hundred thousand pounds, the whole to be paid in current money of this Province; the whole amount of the said capital stock to be divided into sixty thousand shares, of twenty five pounds each; and the said Corporation, if necessary, shall have power to extend the said capital stock to a sum or sums not exceeding Two millions of pounds of like current money, and shall have power to increase the number of shares accordingly; which original shares and increased stock shall be vested in the persons hereinbefore named, and such other persons as may take shares in the said Company, their successors or assigns; and upon taking such shares, they shall deposit in such Bank or Banks in the British North

American

Perpetual  
succession.  
Common Seal.

Suits.

Bye Laws to be  
submitted to the  
Lieut. Governor for  
approval.

Capital to be  
£1,500,000 divided  
into 60,000 shares,  
with power to  
increase.

Periods and  
amounts of  
payments.

American Colonies, or elsewhere, as the Directors of the said Company shall from time to time appoint for that purpose, the sum of five shillings per share current money aforesaid; and the remaining amount of such shares shall be called in as the work progresses, in such parts and amount per share as the Directors of the said Company may deem necessary; provided always, that two pounds ten shillings per share shall be the greatest amount per share of any one call which the said Directors may make on the shareholders, and two months at least shall be the interval between successive calls; and thirty days previous notice of payment being required for any one call, shall be given in the Royal Gazette at Fredericton, and one or more of the newspapers published in the City of Saint John; provided also, that the whole amount of such calls shall not exceed, in any one year, one third part of the amount subscribed; and on demand of the holder of any share, the Company shall cause a receipt or certificate of the proprietorship of such share to be delivered to such shareholder, and the same may be according to the form in the Schedule A to this Act annexed, or to the like effect, or in such other form as the said Company may by their bye laws prescribe; and every of the said shares shall be deemed personal estate, and transferable as such, and shall not be deemed or taken to be of the nature of real property; and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company; provided also, that the money so to be raised as aforesaid, shall be laid out in the making, completing and maintaining the said Railway, and other the purposes therewith connected, mentioned in this Act, and in payment of the legal and other expenses incurred in and about the incorporating and establishing the said Company, and to no other use or purpose whatsoever.

Shares to be personal estate.

III. And be it enacted, That so soon as one hundred thousand pounds of the capital stock of the said Company shall have been subscribed, and the deposit of five shillings per share shall have been actually paid as aforesaid, and not before, it shall be lawful for the said Company, and they are hereby authorized and empowered, by themselves, their deputies, agents, officers, and workmen, to make, construct, and finally complete, alter, and keep in repair, a Railway, with one or more sets of rails or tracks, with all suitable bridges, archways, turn-outs, culverts, drains, and all other necessary appendages, and to erect such wharves, moles, jetties, piers, docks, harbours, landings, aboideaux, dikes, buildings, depots, and warehouses, either at the termini or on the line of the said Railway, and to purchase and acquire such stationary or locomotive steam engines, and carriages, wagons, floats, and other machinery and contrivances, and real or personal property, as may be necessary for the making and maintaining the said Railway, and for the transport of passengers and merchandize thereon, and for other purposes of this Act; and may hold and possess the land over which the said Railway is to pass, and such adjoining lands as may be required; which Railway is to run from some point or place from the Eastern Boundary of this Province, in the County of Westmorland, so as best to connect with a Railway to be constructed from the City of Halifax, or some other Port on the Eastern Coast of the Province of Nova Scotia, on the Atlantic Ocean, over the most practicable route through this Province of New Brunswick, so as best to connect with a Railway to be constructed from the City of Bangor, in the United States of America, to the Eastern part of the State of Maine, under a Charter from the same State, with a like name as is used in this Act, as the Directors of this Company, in the exercise of their best judgment and discretion, shall judge most favourable and best calculated to promote the public convenience, and carry into effect the intentions and purposes of this Act; provided always, that a Map or Plan

On subscription of £100,000 and deposit of 5s. per share, Company authorized to construct and maintain their Railway, with necessary appendages.

Direction of the route.

Plan of route to be deposited in the Prov. Sec. Office.

of the route determined upon shall be deposited in the Office of the Secretary of this Province.

Company  
empowered to make  
Branch Railways  
and own Steam-  
boats.

IV. And be it enacted, That the said Company shall and may, if they deem it expedient, make Branch Railways to every or any part of the Province, and manage such Branch Railways, and procure and own such steam boats or vessels as may be necessary to ply in connexion with the said Railway, in the waters of any part of the Gulf of Saint Lawrence, or in the Bay of Fundy, or in the waters contiguous to either of them; and for that purpose shall exercise and possess all the powers, privileges and authorities necessary for the management of the same in as full and ample a manner as they are hereby authorized to do with respect to the said Railway.

Interest on moneys  
called in may be  
paid till the Rail-  
way be completed.

V. And be it enacted, That it shall be lawful for the Directors of the said Company, in their discretion, until the said Railway shall be completed and opened to the public, to pay interest at any rate not exceeding six pounds per centum per annum on all sums called up in respect of the shares from the respective days on which the same shall be paid, such interest to accrue and be paid at such times and places as the said Directors shall appoint for that purpose; provided always, that no interest shall accrue to the proprietor of any share upon which any call shall be in arrear in respect of such shares or any other share to be holden by the same proprietor during the period while such call shall remain unpaid.

Evidence of  
property in a share.

VI. And be it enacted, That the certificate of the proprietorship of any share in the said Company shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless, the want of such certificate shall not prevent the holder of any share from disposing thereof.

No share to be  
transferred while in  
arrear.

VII. And be it enacted, That no shareholder shall be entitled to transfer any share, after any call shall have been made in respect thereof, until he or she shall have paid all calls for the time being due on every share held by him or her.

Company not bound  
to see to the execu-  
tion of trust in  
respect of shares.

VIII. And be it enacted, That the said Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the Books of the said Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the said Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the said Company have had notice of such trusts, and the said Company shall not be bound to see to the application of the money paid upon such receipts.

Subscribers to the  
Stock, and their  
representatives, to  
be appointed by  
the Directors.

IX. And be it enacted, That the several persons who have or shall hereafter subscribe any money towards the said undertaking, or their legal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the Directors of the said Company, at such times and places as shall be appointed by the said Directors; and with respect to the provisions in this Act contained for enforcing the payment of the calls, the word "shareholder" shall extend to, and include the personal representatives of such shareholder.

Power to make  
calls upon the  
shareholders for  
money.

X. And be it enacted, That it shall be lawful for the Directors of the said Company from time to time to make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary, provided that thirty days notice at the least be given

of each call as aforesaid, and that no call exceed the prescribed amount aforesaid, and that successive calls be not made at less than the prescribed interval aforesaid, or a greater amount called in, in any one year, than the prescribed amount aforesaid; and every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the said Company or the Directors thereof.

XI. And be it enacted, That if before or on the day appointed for payment any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law, that is to say, six per centum per annum from the day appointed for the payment thereof to the time of the actual payment.

Interest to be paid on overdue calls.

XII. And be it enacted, That it shall be lawful for the said Company, if they think fit, to receive from any of the shareholders willing to advance the same, all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares, in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the said Company may agree upon.

Power to receive advances from shareholders on interest.

XIII. And be it enacted, That if at the time appointed by the said Company, or the Directors thereof, for the payment of any call, any shareholder shall fail to pay the amount of such call, it shall be lawful for the said Company to sue such shareholder for the amount thereof in any Court of Law or Equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

Power to sue defaulting shareholders.

XIV. And be it enacted, That in any action or suit to be brought by the said Company against any shareholder to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for said Company to declare that the defendant is the holder of one share or more in the said Company, stating the number of shares, and is indebted to the said Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more, stating the number and amount of each of such calls whereby an action hath accrued to the said Company by virtue of this Act.

Declaration in suits to recover money due on calls.

XV. And be it enacted, That on the trial or hearing of such action or suit it shall be sufficient to prove that the defendant at the time of making such call was the holder of one share or more in the said Company, and that such call was in fact made and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, or any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due upon such call and interest thereon, unless it shall appear either that any such call exceeds the prescribed amount aforesaid or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

Proof of call, and defendant having been a shareholder at the time, sufficient.

XVI. And be it enacted, That the production of the Register of Shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

Register of shareholders to be *prima facie* evidence.

XVII. And be it enacted, That if any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the Directors of the said Company at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of which

Shares in arrear may be declared forfeited.

which such call was payable, forfeited, and that whether the said Company have sued for the amount of such call or not.

Notice to be given of intention to declare shares forfeited.

XVIII. And be it enacted, That before declaring any shares forfeited, the Directors of said Company shall cause notice of such intention to be left or transmitted by Post to the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share; and if the holder of any such share be beyond the limits of this Province, or if his usual or last place of abode be not known to the said Directors, by reason of its being imperfectly described in the Shareholders' Address Book, or otherwise; or if the interest in any share shall be known by the said Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the said share or shares may for the time being belong shall not be known to the said Directors, the said Directors shall give public notice of such intention in the Royal Gazette, at Frederickton, and also in one or more of the Newspapers published in the City of Saint John, and the several notices aforesaid shall be given ninety days at least before the said Directors shall make such declaration of forfeiture.

Forfeiture of shares to be confirmed at a general meeting.

XIX. And be it enacted, That the said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share, until such declaration shall have been confirmed at the next general meeting of the said Company to be held after such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the said Company to confirm such forfeiture at any such meeting, and by an order at such meeting, or any subsequent general meeting, to direct the share or shares so forfeited to be sold, or otherwise disposed of.

Forfeited shares to be sold.

XX. And be it enacted, That after such confirmation as aforesaid, it shall be lawful for the said Directors to sell the forfeited share by Public Auction; and if there be more than one forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold as aforesaid.

Evidence of proprietorship in purchased shares.

XXI. And be it enacted, That an affidavit by some credible person not interested in the matter, sworn before any Justice of the Peace, or before any Commissioner for taking affidavits in the Supreme Court, or other person qualified by law to take affidavits, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated, and such affidavit, and the receipt of the Treasurer of the said Company for the price of such share, shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

No more shares to be sold than are sufficient to pay off arrears and expenses.

XXII. And be it enacted, That the said Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, with the proof thereof and certificate of proprietorship to the purchaser, the surplus shall, on demand, be paid to the defaulters.

XXIII.

XXIII. And be it enacted, That if payment of such arrears of calls, and interest and expenses, be made before any share or shares so forfeited and vested in the said Company shall have been sold by Public Auction as aforesaid, such share or shares shall revert to the party or parties to whom the same belonged before such forfeiture, in such manner as if such calls had been duly paid.

On payment of arrears before sale, shares to revert to the party.

XXIV. And be it enacted, That His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, be and is hereby authorized and empowered to grant unto the said Company, and the said Company are hereby invested with the right, by their agents, servants and workmen, to enter and go in and upon the Crown Lands lying in the route or line of the contemplated Railway, for the purpose of making examinations, surveys and other necessary arrangements, and also for the construction and repair of the said Railway and the Branches connected with the said Railway, its several station houses and depots, and for fuel for the use of the engines, station houses and depots belonging thereto and the said Branches, to dig for, take, remove and use any earth, gravel, stone, timber, wood or other matter, under, on or from the Crown Land contiguous to the Railway, free from any duties or charges therefor.

Company with the consent of the Executive Government authorized to enter on Crown Lands for examination, and take materials for construction.

XXV. And be it enacted, That it shall and may be lawful for the said Lieutenant Governor or Administrator of the Government for the time being, by and with the consent aforesaid, and he is hereby fully authorized and empowered to grant unto the said Company, without pecuniary consideration, from the vacant Crown Lands, a belt or strip of such part of the Crown Lands as the said contemplated Railway and the said Branches may pass over and through, the said belt or strip to extend two hundred feet on both sides of the track of the Railway measured from the centre thereof, and also additional pieces or parcels of land severally not exceeding five hundred feet in length and three hundred feet in breadth, measured along and at right angles to the line of the said belt or strip of land at such points and distances from each other not less than five miles, as may be necessary and the said Company may elect and determine.

Executive Government authorized to grant lands for the route of the Railway.

XXVI. And be it enacted, That if the said Rail Road shall in the course thereof cross any tide waters, navigable rivers or streams, the said Company are hereby authorized and empowered to erect, for the sole and exclusive travel on the said Rail Road, a Bridge across each of the said rivers or streams, or across any such tide waters, provided such Bridge or Bridges shall be so constructed as not unnecessarily to obstruct or impede the navigation of said waters.

Power to erect bridges.

XXVII. And be it enacted, That no County, Parish, City or other local tax or assessment shall be levied or assessed on or payable by the said Corporation, or any of their lands, tenements, personal property, privileges or franchises, or on the stock thereof owned by the respective shareholders therein, or on the income derivable therefrom.

Exemptions from taxation.

XXVIII. And be it enacted, That the Legislature of this Province shall at all times hereafter have the right to enquire into the doings of the said Corporation, and into the manner in which the privileges and franchises herein and hereby granted, may have been used and employed by the said Corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said Corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties herein set forth and enjoined, but not to impose any other or further duties, liabilities or obligations; and that this Charter shall not be revoked, annulled, altered or amended, without the consent of the Corporation, or during the present Session of the Legislature, or limited or restrained except by due process of law.

Legislature may inquire as to the doings of the Company, and by fines compel a compliance with this Act, but shall not impose other duties nor alter this Charter without consent.

XXIX.

Corporation may join any other Corporation in Nova Scotia or State of Maine to construct the whole or any portion of the line of Railway from Bangor to the Eastern Coast of Nova Scotia.

XXIX. And be it enacted, That it shall be lawful for the said Corporation, if they shall at any time or times hereafter deem it expedient so to do, to join and unite with any Body Politic, or Corporation or Company in the Province of Nova Scotia, or State of Maine, or to be formed therein for the purpose of constructing the whole or any portion of the said continuous line of Railway from the City of Bangor aforesaid, through this Province of New Brunswick, to the Eastern Coast of Nova Scotia, as set out in the third Section of this Act; and also to enter into such contracts, arrangements or agreements, by Deeds or Writings, with all or any of such Bodies Politic, Corporations or Companies, as may be considered mutually beneficial, and as will conduce to the accomplishment of the desired end, and to the effectual carrying into operation the objects and intentions of this Act, and of such Bodies Politic, Corporations and Companies, and as may tend to the mutually beneficial management of the affairs of said continuous Railway during its erection and after its completion, and the just and equitable distribution and appropriation of the proceeds and earnings thereof; and all such contracts, arrangements, agreements, deeds, and writings, shall be valid and binding within this Province, as well on this Corporation as on such Bodies Politic, Corporations and Companies, being parties thereto respectively, and shall be duly enforced in the Courts of this Province, as if the said Bodies Politic, Corporations and Companies had been duly incorporated herein.

If Railway be not completed within ten years, grants of land and privileges to revert to Her Majesty.

XXX. Provided always, and be it enacted, That if the said contemplated Railway shall not be completed and in full operation within the space of ten years from the time this Act shall come into operation, all and every the said grants of land, and the rights and privileges conferred by this Act shall be utterly null and void, and the land and privileges shall revert to and revest in Her Majesty, as fully as if no grant had been made or rights and privileges conferred.

Company invested with all necessary powers, &c.

To enter on lands for survey.

Take lands and material.

XXXI. And be it enacted, That the said Company shall be and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act; and for this purpose the said Company, their successors, deputies, agents, and assistants, shall have the right to enter and go into and upon the lands and grounds of all and every description lying in the said route and general direction as aforesaid, for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company and their successors to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing, and convenient operation of the said Railway, and shall also have the right to take, remove, and use, for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber, or other materials on or from the land so taken, without any previous agreement with the owner or owners, tenant or tenants of the land, and upon which such surveys, examinations or other arrangements may be made, or through which the said Railway may be explored, laid out, made, worked or constructed, or on which materials and other things shall be laid for the purposes of the said Railway; provided always, that the said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose of excavation or embankment, and where the said Railway shall pass through any woods, lands, or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down, or from their natural falling, might obstruct or impair said Railway; provided always, that in all cases the said Company shall

Extent limited.

shall pay for such lands or estate so taken or used, (in case the owner thereof demand it,) such price as the said Company and the owner or respective owners thereof may mutually agree upon; and in case the said parties should not agree, then it shall be lawful for the said Company or the said parties to apply to three or more of the Commissioners to be appointed in manner hereinafter provided, who shall after giving at least twenty days notice in writing to the said Company and parties, examine the site of the said Railway; and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such Commissioners or a majority of them; provided always, that not less than three Commissioners shall concur in such assessment: provided nevertheless, that the said Commissioners in assessing the said damages, are authorized and empowered, and shall take into consideration the indirect as well as the direct advantages which may accrue to the owner or respective owners, as such owner or respective owners, by the construction of such Railway, as by the enhancement in value of the land by the passage of the Railway in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages; and in all cases where the Commissioners shall assess damages to be paid to the owner or owners of any land over which the said Rail Road may be laid out, the Commissioners so assessing shall lay the said assessment before the next general meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessment into the hands of the persons for whom such damages may have been assessed, within twenty one days next after such general meeting of the said Company, together with the reasonable costs and charges of the said Commissioners in assessing such damages; and in default of such payment it shall and may be lawful for the said Commissioners, or either of them, (in case of the absence or death of the others,) at the instance of the said party or parties to whom such damages are payable, by warrant under the hands and seals of the said Commissioners, or one of them, (in case aforesaid,) to levy the same with costs by distress and sale of the goods and chattels of the said Company; provided always, that no claim for damages shall be allowed by such Commissioners, unless the same shall have been made in writing and submitted to the said Company within one year from the time of taking such land or other property; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such lands without the previous permission of the Executive Government of the Province.

Company to pay for lands taken.

In case of disagreement damages to be assessed by Commissioners.

Assessment to be laid before the next meeting of the Company, and amount paid.

On default to be levied with costs.

XXXII. 'And whereas divers and many persons, being the owners and proprietors of or interested in lands through which the line or route of the said Railway may pass, have by deeds or writings under their hands and seals, after reciting that—' Whereas at a Convention held at Portland in the State of Maine, for the purpose of devising means to insure the construction of a Rail Road to extend from Portland aforesaid, in a continuous land route through the Province of New Brunswick, to a suitable point or terminus on the Eastern Coast of the Province of Nova Scotia, and to be called 'The European and North American Rail Road,' John A. Poor, Esquire, of Portland, the Honorable Anson G. Chandler, of Calais, the Honorable Elijah L. Hamlin, of Bangor, the Honorable James B. Uniacke, of Halifax, Robert B. Dickie, Esquire, of Amherst, Robert Jardine, Esquire, of Saint John, and George Botsford, Esquire, of Fredericton, were appointed an Executive Committee to carry out the object of the said Convention, and to obtain

Effect given to past or future agreements for transfers of land for the route of the Railway.

' a Charter or concurrent Charters from the Legislatures of Maine, New Brunswick and Nova Scotia, to incorporate a Company or Companies for that purpose: ' Then in consideration that the said Committee did take upon themselves the aforesaid duty, and procure as aforesaid, a Charter or concurrent Charters, the subscribers feeling a deep interest in the erection of the said Rail Road, did each for himself thereby covenant and agree to and with the said Committee, that such Company when formed, or any persons in their employment might, for the purposes of such Rail Road, enter upon any lands belonging to either of them, and appropriate therefrom a sufficient width of way for such road over such lands, not exceeding six rods in width, without any claim for compensation or damages on either of their parts, except in cases where such road or width of way requires the removal of any buildings; and they further severally consented each for himself, that an Act of Assembly might be passed, to give full effect to the licence and agreement aforesaid, and for vesting such width of way in such company for the purposes of such road: And Whereas other parties have executed or may hereafter execute other deeds, covenants, agreements, writings or documents to the like purport and effect, or for carrying out the same objects or intentions; Be it therefore enacted, That all and every such deeds, covenants, agreements, writings or documents already executed, or which shall hereafter be executed, shall be binding in law on each and every of the said parties thereto respectively, and each and every of them, their heirs and assigns, to take effect from the day when the same shall be respectively signed by the respective parties thereto, and be binding on such parties, their heirs and assigns, from the day of such signing of the same respectively, as if made and entered into with this Company after the passing of this Act, and of the organization of the said Company themselves, and all the lands, rights, privileges and immunities mentioned and referred to in said deeds, covenants, agreements, writings or documents respectively, which may be required, taken or used by the said Company, for the purposes of the said Railway, shall by operation of law vest absolutely in said Company, and shall be to all intents and purposes as valid and effectual for absolutely conveying and transferring said lands, and the right, title and interest of said parties respectively, their heirs and assigns, therein or thereto, as if they had respectively signed, sealed and delivered to the said Company good, valid and effectual conveyances and assurances therefor, and for the rights, privileges and immunities granted, mentioned or intended to be granted by such deeds, writings, covenants, agreements or documents respectively, without registration or further act, deed, matter or thing being done or performed.

Executive Government to appoint Commissioners to settle all disputes as to lands and materials taken, &c. under sections 31, 34 and 35.

XXXIII. And be it enacted, That when and so soon as the same may be deemed necessary, the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, shall appoint not less than five persons to be Commissioners for ascertaining and settling all disputes or difficulties, with reference to the payment for land or materials taken or used by the said Company under the thirty first, thirty fourth and thirty fifth sections of this Act, or damages occasioned thereby; which said Commissioners shall be appointed during pleasure; and in case of vacancy by refusal to act, resignation, death, removal, incapacity, or absence from the Province, appointments shall be forthwith made as aforesaid for filling such vacancies, and said Commissioners shall be sworn to the faithful and impartial discharge of their duties before any Clerk of the Peace for any County in this Province, and the Clerk so administering such oath shall forthwith transmit a certificate of such oath having been duly administered, to the Office of the Secretary of the Province.

XXXIV.

XXXIV. And be it enacted, That when the said Company shall take any land or estate of any Body Corporate, aggregate or sole, guardians, committees, executors, administrators, or other trustees whatsoever, held for or on behalf of those whom they represent, whether corporations, infants, idiots, lunatics, feme-coverts, persons deceased or beyond seas, or other person or persons whatsoever, who are or shall be possessed of or interested in the said land or estate, the respective contracts, agreements and sales of the said corporations, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company for damages, if any, by reason of taking such land or estate aforesaid, and in case of disagreement, such damage to be ascertained and settled as provided by the thirty first section of this Act.

Agreements with Corporations and Trustees for lands taken to be valid.

XXXV. And be it enacted, That the said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining the said Railway, and from thence take and carry away any timber, stone, gravel, sand and earth, or materials necessary for the construction of the said Railway; and in case of any slip happening or being apprehended to any cutting, embankment, or other work belonging to the said Railway, the said agents and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose; provided always, that such works shall be as little injurious to the said adjoining land as the nature of the operations will admit of, and shall be executed with all possible dispatch, in all which cases the damage incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the thirty first section of this Act.

Power to enter on adjacent lands and take materials for the construction and repair of the Railway.

XXXVI. And be it enacted, That the said Company, at their own proper costs and charges, shall erect and maintain on each side of the said Railway, sufficient fences wherever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway, and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer or Terminer or General Sessions of the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged; and such fine shall be expended for the erection or repair of said fences, and for compensation of individual damage, as the case may be; and it shall and may be lawful for the Justices of the said Court of Oyer and Terminer or General Sessions, to make such order for levying the said fine on the property of the said Company, or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

Fences to be maintained on each side of the Railway.

XXXVII. And be it enacted, That the said Company shall cause a Bell of at least thirty five pounds in weight, to be placed on each locomotive engine passing upon the said road, and the said bell shall be rung at the distance of at least eighty rods from the place where such road crosses any rail road, turnpike, highway, statute labour or private road, upon the same line with the rail road, and shall be kept ringing until the engine shall have crossed such rail road, turnpike, highway, statute labour or private road, and every train of cars moved by steam power shall be provided with suitable breaks, and one trusty and skilful breakman to every two cars in said train.

A bell to be rung at eighty rods distance from every Railway crossing.

XXXVIII. And be it enacted, That wherever the said Railway or any of its branches

Search with a printed caution to

be put up at the crossing of roads.

branches shall cross, or shall hereafter cross any rail road, highway, turnpike road, statute labour or private road for carriages of any description, within this Province, the said Company shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each railway, highway, statute labour or private road, where it is crossed by the rail road upon the same level therewith, the said posts and boards to be of such heighth as shall be easily seen by travellers without obstructing the travel, and on each side of said boards the following inscription shall be printed in plain legible letters of at least the length of nine inches. "Rail Road crossings, look out for the Engine when the bell rings!!" Provided always, that it shall be lawful, if the said Company shall deem it more conducive to the public safety, for the said Company, at their own expense, to carry such turnpike or highway, statute labour or private road, over or under such rail way, by means of a bridge or archway, in lieu of crossing the same on the level, and shall have power to raise or lower such turnpike, statute labour or private road, so as the safe and convenient use thereof be not obstructed; and the said Company shall constantly maintain in good repair all bridges, with the abutments and embankments which they may construct for conducting the rail road over any turnpike, highway, statute labour or private road, over said rail road; and when the said railway shall approach any such turnpike, highway, statute labour or private road, so as to be inconvenient in the construction or building of said rail road, or in the discretion of the Directors of the said Company, dangerous to persons passing on such turnpike, highway, statute labour or private road, it shall be lawful for the said Company to alter and change the line or course of such turnpike, highway, statute labour or private road, so as to obviate any such inconvenience, difficulty or danger, doing as little injury to such turnpike, highway, statute labour or private road, as may be.

Company may alter and turnpike or other road instead of crossing on a level.

Company affairs to be managed by a Board of Directors.

XXXIX. And be it enacted, That the immediate government and management of the affairs of the said Company, shall be vested in seven, nine or thirteen Directors, as the said Company may by bye law from time to time fix and determine, who shall be proprietors of at least forty shares each, and who shall be chosen by the shareholders of the said Company in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places; that not less than three or five Directors, as the said Company shall by bye law from time to time fix and determine, shall constitute a Board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; that the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have the casting vote.

Board for business.

Number of votes to be given by shareholders ascertained.

XL. And be it enacted, That the number of votes which each shareholder shall be entitled to on every occasion when in conformity to the provisions of this Act the votes of the shareholders are to be given, shall be in the following proportions, that is say, each share one vote; and all shareholders may vote by proxy if they shall see fit, provided each proxy do produce from his constituent whom he shall represent, or for whom he shall vote, an appointment in the form set forth in the Schedule B to this Act annexed, or to the like effect; and whatever question of election of public officers or other matters or things shall be proposed, discussed or considered in any public meeting of the said Company under the authority of this Act, shall be determined and decided by the majority of votes and proxies then and there present; provided always, that such proxy shall have been

Votes by proxy.

registered

registered in a book to be kept for that purpose at least forty eight hours before the meeting at which such proxy shall claim to vote; provided also, that neither the President nor any Director of the Company for the time being, shall be allowed to vote as proxy, and that the same person shall not vote as proxy for any number of persons who together shall be proprietors of more than two hundred shares.

**XLI.** And be it enacted, That whenever One hundred thousand pounds of the said capital stock shall have been subscribed and the deposits paid as aforesaid, the first general meeting of the shareholders shall take place at the City of Saint John, and such meeting shall be called by Daniel J. M<sup>o</sup>Laughlin, President of the Commercial Bank above named, or in case of his death, absence, neglect or refusal, by any two of the said Company, to be called by notice in the Royal Gazette at Fredericton, and in one or more of the newspapers published in Saint John, thirty days previous to such meeting, in order to organize the said Company, make bye laws, and to choose the Directors thereof, who shall continue in office until re-elected, or others chosen and appointed in their stead, at any meeting to be held under the authority of this Act; that the shareholders present or appearing by proxy shall choose the Directors of the said Company by a majority of votes, and the Directors so chosen shall choose out of their number one who shall be President of the said Company; and in case of the death, resignation, removal, disqualification by sale of stock, or incompetency of any Director, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director, and the shareholder so elected to fill up any such vacancy, shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

First meeting of the shareholders to be held at Saint John, when £100,000 are subscribed.

**XLII.** And be it enacted, That the said Directors shall have the power of calling extraordinary meetings of the said Company, when they may consider the same expedient or necessary, and of nominating and appointing all and every the officers and engineers and other persons connected with the said Railway, at such salaries or rates of remuneration as to the said Directors shall seem proper, subject to the bye laws, rules and regulations of the said Company; and the shareholders shall have the power from time to time to alter and amend, or to make such new rules, bye laws and regulations, for the good government of the said Company, and of the said Railway, and of the works and property hereinbefore mentioned, and for the well governing of the engineers, workmen and other persons employed by the said Company, as to the major part of the said shareholders at the annual meeting of the said Company shall seem meet; which said rules, bye laws, and regulations, being put into writing under the Common Seal of the said Company, shall, if not disapproved of by the Lieutenant Governor or Administrator of the Government in this Province for the time being, as hereinbefore provided, be published in the Royal Gazette at Fredericton, and also in one or more of the newspapers published in the City of Saint John, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law to justify all persons who shall act under the same.

Directors may call extraordinary meetings, and appoint officers.

Shareholders empowered to make bye laws at the annual meeting.

To be published, and binding, if not disapproved by the Lieut. Governor.

**XLIII.** And be it enacted, That the said shareholders shall meet annually at the City of Saint John on the first Tuesday in September in each year, or at such other time or place in this Province in each year as may from time to time be fixed and determined by any bye laws of said Company; at which meeting the shareholders present, personally or by proxy, may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the places of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by the Directors of the said Company for the time being.

Annual meeting.

Appointment of Directors.

Two Auditors to be appointed at the first annual meeting, and one at each meeting thereafter.

One Auditor to go out each year, but to be re-eligible.

Periodical accounts and balance sheets to be submitted to the Auditors, who shall report on or confirm the same.

Officers entrusted with the custody of money to give security.

Officers to render accounts and vouchers when required, and pay over balances.

On failure officers may be cited before two or more Justices of the Peace, who may determine the matter in a summary way.

**XLIV.** And be it enacted, That the said Company at the first general meeting for the choice of Directors shall elect two Auditors in like manner as is provided for the election of Directors; and at the annual general meeting of the Company in each year thereafter, the Company shall in like manner elect an Auditor to supply the place of the Auditor then retiring from office according to the provision hereinafter contained; and every Auditor so elected, being neither removed or disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his stead; and one of the two Auditors first elected (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority) shall go out of office at the annual general meeting in each year; but the Auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new Auditor; and if any vacancy take place among the Auditors in the course of the current year, the vacancy shall be filled by the shareholders at a special meeting; provided always, that every Auditor shall have at least one share of stock in the said Company, but shall not hold any other office in the same, or be in any other manner interested in its concerns except as a shareholder.

**XLV.** And be it enacted, That the Directors of the Company shall deliver to such Auditors the half yearly or other periodical accounts and balance sheet, at least fourteen days before the annual general meeting, or before any special or periodical meeting at which the same are required to be produced to the shareholders; and it shall be the duty of the Auditors to receive and examine such accounts; and it shall be lawful for the Auditors to employ such accountants and other persons as they may think proper, at the expense of the Company, and they shall either make a special report on the said accounts, or simply confirm the same; and such report or confirmation shall be read, together with the Report of the Directors, at every annual or half yearly or special meeting at which the accounts of the Company shall be presented.

**XLVI.** And be it enacted, That before any person entrusted with the custody or control of moneys, whether Treasurer, Collector, or other officer of the Company, shall enter upon his office, the Directors shall take sufficient security from him for the faithful execution of his office.

**XLVII.** And be it enacted, That every officer employed by the Company shall from time to time, when required by the Directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all moneys received by him on behalf of the Company; and such account shall state how, and to whom, and for what purpose such moneys shall have been disposed of; and together therewith, such officers shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Directors, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

**XLVIII.** And be it enacted, That if any officer of the Company shall fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same, which are in his possession or power, or to pay the balance due by him when required, or if for three days after being required, he fail to deliver up to the Directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power, relating to the execution of his office or belonging to the Company, then on complaint thereof being made to a Justice of the Peace, such Justice shall summon such officer to appear before two or more Justices at a time and place to be set forth in the Summons,

to answer such charge; and upon appearance of such officer, or in his absence, upon proof that the summons was personally served upon him, or left at his last known place of abode, the Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear either upon confession of such officer, or upon evidence, or upon inspection of the account, that any moneys of the Company are in the hands of such officer, or owing by him to the Company, the Justices may order such officer to pay the same; and if he fail to pay the amount, it shall be lawful for such Justices to grant a Warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding two months unless the same be sooner paid.

XLIX. And be it enacted, That if any such officer shall refuse to make out an account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power, belonging to the Company, the Justices may lawfully commit such officer to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters and things, if any, in his possession or power belonging to the Company; provided always, that if any Director or other person acting on behalf of the Company, shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the Justice before whom the complaint is made, instead of issuing his Summons, to issue his Warrant for the bringing such officer before two such Justices as aforesaid; but no person executing such Warrant shall keep such officer in custody longer than twenty four hours before bringing him before some Justice, and it shall be lawful for the Justice before whom such officer may be brought, either to discharge such officer, if he think there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before two Justices at a time and place to be named in the order, unless such officer give bail to the satisfaction of the Justice for his appearance before the Justices, to answer the complaint of the Company.

On refusal to render accounts, &c., the Justices may commit the officer to gaol.

A Warrant may be issued on affidavit of belief of intention to abscond.

L. And be it enacted, That no such proceeding against or dealing with any officer as aforesaid, shall deprive the Company of any remedy which they might otherwise have against such officer or any surety of such officer.

Proceedings against officers not to deprive the Company of other remedy.

LI. And be it enacted, That the said Company shall annually submit to the Legislature, within the first fifteen days after the opening of each Session, a detailed and particular account, attested upon oath of the Treasurer and two Directors, of the moneys received and expended by the Company under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said road.

Account of moneys received and expended to be laid before the Legislature.

LII. And be it enacted, That the Lieutenant Governor in Council may order and direct the said Company, and whereupon it shall be their duty to make up and deliver to the Provincial Secretary, Returns, according to a form to be from time to time prescribed by the Lieutenant Governor in Council, of the aggregate traffic in passengers, according to their several classes, and of the aggregate traffic in cattle and goods respectively, on the said Railway, as well as of all accidents which have occurred thereon attended with personal injury, and also a table of all tolls, rates and charges, from time to time levied on each class of passengers, and on cattle and goods, conveyed on the said Railway.

Returns of traffic to be made to the Provincial Secretary.

Power to call extraordinary meetings of the Company.

LIII. And be it enacted, That it shall be lawful for any number of shareholders holding in the aggregate five hundred shares, by writing under their hands, at any time to require the said Directors to call an extraordinary meeting of the said Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the said Company, or given to at least three Directors, or left at their last or usual place of abode; and forthwith upon the receipt of such requisition the said Directors shall convene a meeting of the shareholders; and if for thirty days after such notice the Directors fail to call such meeting, the shareholders aforesaid, qualified as aforesaid, may call such meeting, by giving thirty days public notice thereof in the Gazette and newspapers hereinbefore in this Act mentioned.

Thirty days notice by advertisement to be given of all meetings of the Company.

LIV. And be it enacted, That thirty days public notice at the least, of all meetings, whether general or extraordinary, shall be given by advertisement in the Gazette and newspapers hereinbefore in this Act mentioned, which shall specify the place, the day and hour of meeting; and every notice of an extraordinary meeting shall specify the purpose for which the meeting is called.

Toll granted to the Company.

LV. And be it enacted, That a toll be and is hereby granted for the sole benefit of the said Company on all passengers and property of all descriptions, which may be conveyed or transported upon such Railway, any of its branches, or in the steam boats or vessels connected therewith as aforesaid, at such rates per mile as may be established from time to time by the Directors of the said Company; the transportation of persons and property, the construction of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the said Railway and its branches, shall be in conformity to such rules, regulations and provisions, as the said Directors shall from time to time prescribe and direct; and such Railway and its branches may be used by any person or persons who may comply with such rules and regulations; provided always, that if after the completing the said Railway, the rates, tolls or dues that may be established by the said Company, under and by virtue of this Act, shall be found excessive, it shall and may be lawful for the Legislature to reduce the said rates, tolls or dues, so as the same shall not produce to the said Company a greater rate of clear net annual profits, divisible upon the subscribed and paid up capital stock of the said Company, than fifteen pounds annually for every one hundred pounds of such capital; and in order that the true state of the said Company shall be known, it shall be the duty of the President and Directors thereof to file in the Office of the Secretary of the Province, for the information of the Legislature, at the expiration of seven years after the said Railway shall have been completed as aforesaid, a just and true statement and account of the moneys by them disbursed and laid out in making and completing the said Railway in manner aforesaid; and also the amount of tolls and revenues of the said Railway, and of the annual expenditure and disbursements in maintaining and keeping up the same during the said seven years; the said several accounts and statements to be signed by the President and Treasurer of the said Company, and by such President and Treasurer attested to on oath before any one of Her Majesty's Justices of the Peace for any County in this Province; and provided also, that it shall be the duty of the said President and Directors of the said Company, once in each and every year after the expiration of the said seven years, to file in the said Office of the Secretary of the said Province, for the information of the Legislature, a like statement and account, verified on oath by the President and Treasurer as aforesaid.

The rates may be reduced if found to be excessive.

Statement of expenses and receipts to be filed in the Provincial Secretary's Office for the information of the Legislature.

LVI. And be it enacted, That the said Corporation, after they shall commence the receiving of tolls, shall be bound at all times to have their Rail Road in good repair, and a sufficient number of suitable engines, carriages and other vehicles, for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same, when the appropriate tolls therefor shall be paid and tendered, and a lien is hereby created upon all articles transported for said tolls.

Obligation to have the Rail Road in good repair, &c., after commencement of receipt of tolls.

Lien granted.

LVII. And be it enacted, That whatever may be the rate of divisible profits on the said Railway, it shall be lawful for Her Majesty's Government, if it shall think fit, subject to the provisions hereinafter contained, at any time after the expiration of the term of twenty one years, to purchase the said Railway, with 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 such intention, and upon payment of a sum equal to twenty five years purchase of the annual divisible profits, estimated on the average of the seven then next preceding years; provided that if the average rate of profits for the said seven years shall be less than the rate of fifteen pounds in the one hundred pounds, it shall be lawful for the Company, if they should be of opinion that the said rate of twenty five years purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company; provided also, that such option of purchase shall not be exercised, except with the consent of the Company, while any such revised scale of tolls, fares and charges shall be in force.

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

LVIII. And be it enacted, That it shall be lawful for the Postmaster General or his chief Deputy, or the duly authorized authorities with reference to the Post Office in this Province, by notice in writing under his hand or under the hand of such Deputy or authorized authority as aforesaid, delivered to the said Company, to require that the Mails or Post Letter Bags shall from and after the day to be named in such notice (being not less than twenty eight days from the delivery thereof) be conveyed and forwarded by the said Company on their Railway, either by the ordinary trains of carriages or by special trains as need may be, at such hours or times in the day or night, as the Postmaster General or his said Deputy shall direct, together with the guards appointed and employed by the Postmaster General or his said Deputy, in charge thereof, and any other officers of the Post Office; and thereupon the said Company shall from and after the day to be named in such notice, at their own costs, provide sufficient carriages and engines on the said Railway for the conveyance of such Mails and Post Letter Bags, to the satisfaction of the Postmaster General or his said Deputy, and receive and take up, carry and convey by such ordinary or special train of carriages or otherwise, as need may be, all such Mails or Post Letter Bags as shall for that purpose be tendered to them, or any of their officers, servants or agents, by any officer of the Post Office, and also to receive, take up, carry and convey, in and upon the carriage or carriages carrying such Mails or Post Letter Bags, the guards in charge thereof, and any other officer of the Post Office, and shall receive, take up, deliver and leave such Mails or Post Letter Bags, guards and officers, at such places in the line of such Railway, on such days and such hours or times in the day or night, and subject to all such reasonable regulations and restrictions as to speed of travelling, places, times and duration of stoppages and times of arrival, as the Postmaster General or his said Deputy shall in that behalf from time to time order or direct; provided always, that the rate of speed required shall in no case exceed the maximum rate of speed prescribed by the

Mails, guards, &c., to be forwarded on the Railway under the direction of the Postmaster-General.

Directors of the said Company for the conveyance of passengers by their first class train, nor shall the Company be responsible for the safe custody or delivery of any Mail Bags so sent.

Compensation to be fixed by agreement or arbitration.

LIX. And be it enacted, That the said Company shall be entitled to such reasonable remuneration, to be paid by the Postmaster General or his Deputy for the conveyance of such Mails, Post Letter Bags, Mail guards, and other officers of the Post Office, in manner required by such Postmaster General, his Deputy, or by such authorized authority of the Post Office as he shall in that behalf nominate as aforesaid, as shall (either prior to or after the commencement of such service) be fixed and agreed upon between the Postmaster General or such authorized authority and the said Company, or in case of difference of opinion between them, the same shall be referred to the award of two persons, one to be named by the Postmaster General, or his Deputy, or such authorized authority, and the other by the said Company; and if such two persons cannot agree on the amount of such remuneration or compensation, then to the umpirage of some third person, to be appointed by such two first named persons, previously to their entering upon the enquiry; and the said award, or umpirage, as the case may be, shall be binding and conclusive on the said parties and their respective successors and assigns.

Nomination of arbitrators and umpires.

LX. And be it enacted, That in all references to be made under the authority of this Act, the Postmaster General, his Deputy, or authorized authority, or the said Company, as the case may be, shall nominate his or their arbitrators within fourteen days after notice from the other party, or in default, it shall be lawful for the arbitrator appointed by the party giving notice, to name the other arbitrator, and such arbitrators shall proceed forthwith in the reference, and make their award therein within twenty eight days after their appointment, or otherwise the matter shall be left to be determined by the umpire, and if such umpire shall refuse or neglect to proceed and make his award for the space of twenty eight days after the matter shall have been referred to him, then a new umpire shall be appointed by the two first named arbitrators, who shall in like manner proceed to make his award within twenty eight days, or in default be superseded, and so *toties quoties*.

Her Majesty's Forces of the Line, &c., to be conveyed when required.

LXI. And be it enacted, That the Directors of the said Company shall be bound to provide such conveyance for the Officers and Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia or Police Forces, at such time or times (whether the same shall be the usual hours of starting trains or not) as shall be required or appointed by any officer duly authorized for that purpose, and with the whole resources of the Company; and the said Company shall be entitled to receive such reasonable remuneration, to be paid by such officer or the authority authorizing him, as shall be fixed and agreed upon between such officer or authority and the said Company, or in case of difference between them, the same shall be referred to the award of two persons, one to be named by such officer or authorized authority, and the other by the said Company, in like manner in all respects as is provided in and by the fiftieth and fifty first sections of this Act for determining the remuneration and compensation for carrying Mails.

Company may alter the rates of charges, so as to be equal to all alike.

LXII. And be it enacted, That the Directors of the said Company shall be and they are hereby authorized from time to time to alter or vary the tolls to be taken upon the said Rail Road or its branches, as they shall think fit; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect to all passengers, and of all goods, chattels or carriages of the same description, and conveyed or propelled by a like carriage or engine passing only over the same portion of the line of Railway under the

the same circumstances; and no reduction or advance in any such toll shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the Railway.

LXIII. And be it enacted, That the said Company, on being required so to do by Her Majesty's Government, shall be bound to allow any person or persons duly authorized by Her Majesty's Government, with servants and workmen, at all reasonable times to enter into and upon the lands of the said Company, and to establish and lay down upon such lands adjoining the line of the said Railway or any of its branches, a line of Electrical Telegraph for Her Majesty's Service, and to give to him and them every reasonable facility for laying down the same and for using the same for the purpose of receiving and sending Messages on Her Majesty's Service, subject to such reasonable remuneration to the Company as may be agreed upon between the Company and Her Majesty's Government; provided always, that subject to a prior right of use thereof for the purposes of Her Majesty, such Telegraph may be used by the Company for the purposes of the Railway, upon such terms as may be agreed upon between the parties, or in the event of differences, as may be settled by arbitration, in like manner as is provided for in the fiftieth and fifty first sections of this Act for fixing the compensation or remuneration to this Company for carrying Mails.

Obligation to permit a line of Electrical Telegraph to be laid down for and by Her Majesty's Government.

LXIV. And be it enacted, That the Directors of the said Company shall make half-yearly dividends of tolls, income and profits arising to the said Company, first deducting thereout the annual costs, charges and expenses of the said Company, as well of the repairs of the works belonging to them, as for the Salaries and allowances of the several officers and servants, and for such other purposes connected with the said Company as may be deemed proper by the said Directors, consistent with the bye laws, rules and regulations of the said Company.

Half yearly dividends of the profits to be made.

LXV. And be it enacted, That if any money be payable from the said Company to any shareholder or other person being a minor, idiot or lunatic, the receipt of the guardian of such minor, or the receipt of the committee of such lunatic, shall be a sufficient discharge to the said Company for the same.

Receipts of guardians of minors and committee of lunatics to be good discharges.

LXVI. And be it enacted, That before apportioning the profits to be divided among the shareholders, the said Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing and improving the works connected with the said Railway or its branches, or any part of the said undertaking, and may divide the balance among the shareholders.

A portion of the profits may be reserved before declaring dividends.

LXVII. And be it enacted, That no dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

No dividend to be paid on shares in arrear.

LXVIII. And be it enacted, That the joint stock or property of the said Company shall alone be responsible for the debts and engagements of the said Company; and that no person or persons who shall or may have dealings with the said Company shall under any pretence whatsoever have recourse against the separate property of any of the individual shareholders of the said Company, or against their person or persons, further than may be necessary for the faithful application of the funds of the said Company; provided also, that no shareholder of the said Company shall be liable for or charged with the payment of any debt or demand due from the said Company beyond the extent of his share in the capital of the said Company not then paid up.

Joint stock to be alone responsible for the Company debts.

LXIX. And be it enacted, That no suit or action at law or equity shall be brought or prosecuted by any person or persons for any act, matter or thing done under the authority of this Act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or cause of

Time limited for bringing actions for any thing done under this Act.

action

action accrued ; and the defendant or defendants in such suit or action may plead the general issue, and give this Act and the special matter in evidence under the said plea, and that the same was done in pursuance and by the authority of this Act.

Punishment for malicious acts, destroying works, &c.

LXX. And be it enacted, That if any person or persons shall wilfully and maliciously, or wantonly and to the prejudice of the undertaking, break, injure or destroy any of the works to be made by virtue of this Act, or obstruct the passage of any carriage on said Rail Road, or in any way spoil, injure or destroy such Rail Road, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction or for the use of the said Rail Road, every such person or persons shall be adjudged guilty of felony ; and every person so offending shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned in the Provincial Penitentiary for a term not exceeding four years, which punishment shall be in addition to any civil or other remedy for such offence.

Company to have all the powers of Commissioners of Roads for removing obstructions.

LXXI. And be it enacted, That this Company shall have all the powers and authorities which are or may be given by any Act or Acts of the General Assembly of this Province to Commissioners of Roads for the purpose of removing any obstruction or for selling or disposing of any articles left on said Rail Road.

Legislature may authorize the connection of other Railways.

LXXII. And be it enacted, That the Legislature of this Province may authorize other Companies to connect their Rail Roads with the Rail Road of this Company at any points on the route of said Rail Road, and this Company may connect their Rail Road with any other Rail Road existing or to be constructed within this Province.

Act to be void if Railway be not completed within ten years.

LXXIII. And be it enacted, That the said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall and they are hereby required to make and complete the said Railway within ten years from the passing of this Act, and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandize thereon, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

Commencement of Act.

LXXIV. And be it enacted, That this Act shall come into operation and be in force from and after the first day of June next ensuing.

#### SCHEDULE A.

##### FORM OF CERTIFICATE OF SHARE.

Form of Certificate of Share.

##### *The European and North American Railway Company.*

Number

This is to certify that A. B. of            is proprietor of the Share (or Shares) Number            of the European and North American Railway Company, subject to the regulations of the said Company, and upon which Shares respectively the sum of            has been paid. Given under the Common Seal of the said Company the day of            in the year of our Lord one thousand eight hundred and

#### SCHEDULE B.

##### FORM OF PROXY.

Form of Proxy.

I, A. B., of            do hereby nominate, constitute and appoint C. D., of            to be my proxy, in my name and in my absence to vote or give any assent or to dissent from any business, matter or thing relative to the European and North American Railway Company. in such manner as he the said C. D. shall think proper and for the benefit of the said Company. In witness whereof I, the said A. B., have hereunto set my hand (or if a Corporation say the Common Seal of the Corporation) the            day of            one thousand eight hundred and            A. B.

FREDERICTON, N. B. :

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

[NEW BRUNSWICK: PRIVATE OR PERSONAL ACTS.]



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. II.

An Act to incorporate the Woodstock Farmers and Mechanics' Library Society.

*Passed 15th March 1851.*

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Farmers and Mechanics' Library Society now established and located at the Upper Village of Woodstock, in the County of Carleton, for the purpose of procuring Books on Agricultural, Mechanical, Historical, and other subjects, to form a Library for the use of the Members of the said Society, be incorporated; and that Joseph Harvey, Senior, James H. Brodrick, William Wiley, Ralph Ketchum, James Edgar, Asahel M. Brodrick, Anthony Kearney, Wingate Weeks, Lewis P. Fisher, David Munro, and such other persons as are or may become Members of the said Society, shall be and are hereby constituted a body corporate for that and no other purpose, by the name aforesaid, with all the general powers and privileges incident to Corporations by Act of Assembly of this Province; provided always, that the real estate which the said Corporation may at any time hold shall not exceed in value one thousand pounds.

Farmers and  
Mechanics' Library  
Society located at  
Woodstock, incor-  
porated.

Real Estate to be  
possessed limited  
to £1000.

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. III

An Act to incorporate the Miramichi and Richibucto Electric Telegraph Company.

Passed 15th March 1851.

**W**HEREAS the construction of a Line of Electro-Telegraphic communication between the Bend of Petitcodiac, in the County of Westmorland, and the Miramichi River, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such Line by granting them an Act of Incorporation for that purpose; Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That George Kerr, Lestock P. W. DesBrisay, William J. Fraser, Caleb M'Cully, David Wark, George H. Russel, Isaac Soureby, William E. Samuel, John W. Weldon, John M. Johnson, Richard Hutchison, James M'Phelim, John Mackie, John Baquell, John Pallen, John M'Dougall, Henry Cunard, Oliver Willard, John Wright, William S. Caie, John Wyse, Alexander Loudoun, William A. Black, and such other persons as shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a Corporation, and a Body Politic and Corporate, by the name of *The Miramichi and Richibucto Electric Telegraph Company*; and by that name shall have all the powers made incident to a Corporation by the Acts of Assembly in this Province, for the purpose of constructing, maintaining and working such Line of Electro-Telegraphic communication as hereinafter more particularly set forth. Company incorporated.

II. And be it enacted, That the capital stock of the said Corporation shall be two thousand pounds, divided into two hundred shares of ten pounds each, which shares shall be vested in the several persons hereinbefore named, and such other persons as may take shares in the said Corporation, their successors and assigns, in proportion to their respective shares and interest, which shares shall be paid at such times and places, and in such proportions, as the Directors of the Company shall appoint; provided always, that the money so to be raised is hereby directed and required to be laid out for and towards the making, completing and maintaining the said Electric Telegraph, and other purposes therewith connected, and to no other use or purpose whatsoever. Capital to be £2000, divided into shares of £10 each.

III.

Company authorized to make a double or single Line of Electric Telegraph between the Bend of Petitcodiac and Chatham.

III. And be it enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers and workmen, to make and complete a single or double Line of Electro-Telegraphic communication from and between the Bend of Petitcodiac, in the County of Westmorland, and Chatham, in the County of Northumberland, with power to establish such branch Lines in connection therewith as the increase of business, the establishment of Rail Roads, or other circumstance may make advisable, and for the purposes of the said main Line and the several branches thereof, to make such erections as may be necessary, and to purchase and acquire such machinery and contrivances, and real or moveable property as may be or become necessary for the making, maintaining and working the said Electro-Telegraphic communication, and may use, hold and possess the land over which the said Electric Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

Authority given to enter on the sides of public roads and erect their works;

IV. And be it enacted, That it shall and may be lawful for the said Company, their agents and servants, to enter upon the side or sides of any or all of the public roads, bridges, streets or highways in this Province, through, along, across, or by which the said Electro-Telegraphic Line or any of its branches shall pass or be required to pass, and on the same to set up, erect and construct such and so many posts or other works as they in their discretion may deem necessary for making, using and maintaining the said Electric Telegraph, and from time to time, as often as the said Company, or their agents or servants, shall think proper, to break up and open any part whatsoever of the said roads, streets or highways, not interfering with that part of the same appropriated for the use of carriages, wagons, or horses, and to keep the same open during the time necessary for the setting up, erecting and constructing of such posts or other works; provided always, that nothing herein shall be construed to extend or permit the setting up, erecting or constructing of any post or work which may in any way obstruct any of the said public roads, streets, bridges or highways; and provided always, that the said Company and their servants shall and do at their proper costs and charges, and without any unnecessary delay, repair and amend the said public roads, streets and highways in any part where they shall be so broken up and opened as aforesaid, to the like condition in which they were before breaking up the same.

But not so as to obstruct the use of any of the roads.

Company authorized to enter on private property for the erection of their works.

V. And be it enacted, That if at any time it shall be deemed necessary by the Company or their servants, to carry any part of the said main or branch Lines of the said Electro-Telegraphic communication through or over any estate, lands or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the said lands of any person or persons, bodies politic or corporate, as they shall think necessary for the making, completing, maintaining or repairing the said Line or Lines, and on such lands to set up, construct or build such posts, buildings or other erections as may be necessary for such Line or the branches thereof, and do all other matters and things which the said Company shall think convenient and necessary for the making, extending and easy using of the said Electric Telegraph or its branches, or the works connected therewith, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property, as to the amount of compensation to be paid to such owner or owners respectively; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation, or their agent or servant,

and

Compensation to be made according to private agreement or as fixed by arbitrators appointed as herein directed.

and one by the owner or occupier of the said private or corporate property in question, which two arbitrators so chosen shall choose a third arbitrator; and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, 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 application of the said Corporation, to appoint a 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 or corporate 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 of this Province, or to any one of the Judges 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 or City and 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 who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a Jury of twelve freeholders within the said County, who may be altogether disinterested, which Jury upon their oath (which oath, as well as 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 which may and shall be sustained by such owner or owners, occupier or occupiers of such private or corporate property as aforesaid; and the award, inquisition or verdict of such Jury shall be returned 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, when 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.

VI. And be it enacted, That so soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches, shall be complete and opened, it shall and may be lawful for the said Corporation at all times to ask, demand, take, sue for and recover to and for their own proper use, such rates, tolls or dues, for the transmission and writing out of any and every message or communication of any kind soever transmitted and conveyed at the cost and charge of the said Company, by or upon the said Electric Telegraph, and such sum or sums of money as the said Company may think just and reasonable.

VII. And be it enacted, That it shall be lawful for the Lieutenant Governor or Administrator of the Government for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said Line of Electric Telegraph and branches for the transmission of messages relating to the public service only, whether Imperial or Provincial, from or to any stations with which the said Line or any of its branches shall connect, and that the rate of charges therefor shall not in any one case or at any one time exceed the ordinary rates of charge made to private individuals and others for the transmission of like messages; provided always, that such messages are strictly and solely of a public nature.

Company authorized to make and recover charges for the transmission of communications, &c.

A preference in the use of the Telegraph secured to the Lieut. Governor.

First meeting of the stockholders when Directors are to be chosen, &c.

VIII. And be it enacted, That when and so soon as one half of the shares of the said capital stock shall have been subscribed for, a meeting of the stockholders shall and may be called by any three of the corporators hereinbefore named, and that such meeting shall be held at Chatham, in the County of Northumberland, after ten days notice in the Gleaner Newspaper published at Miramichi, and that at such meeting, or some adjournment thereof, a President shall be chosen from among the stockholders, and six Directors shall be chosen for the current year, of which three shall be resident in the County of Northumberland and three in the County of Kent; and that at such meeting, or some adjournment thereof, to make bye laws, rules and ordinances for prescribing the duties, powers and authorities of the said President, Directors and Officers of the said Company, and for regulating the transfer, registry and forfeiture of shares, the right of voting in respect of 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.

Annual meeting to be held alternately at Chatham and Richibucto.

IX. And be it enacted, That the annual meeting of the said Company shall take place on the first Tuesday in January in each year, and shall be held alternately in Chatham and Richibucto; the first annual meeting to be held at Richibucto on the first Tuesday in January next.

Corporation property to be alone responsible for debts.

X. And be it enacted, That the joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

Penalty for obstructing the use of the Telegraph.

XI. And be it enacted, That if any person shall by any means, or in any manner or way whatsoever, obstruct or interrupt the free use of the said Telegraph, or any of its branches, or other works incidental or relative thereto or connected therewith, such person shall for every such offence incur a penalty or forfeiture of not less than five pounds nor exceeding ten pounds currency, to be recovered by summary conviction before one or more Justices of the Peace for the County or City and County where such offence is committed; one half of the same, when levied and recovered, to be paid to the informer or person prosecuting for the same, and the other half to be paid into the hands of the Treasurer of such County, and applied to the public uses of such County; provided always, that the payment of such penalty or forfeiture shall not be held to relieve or discharge the person convicted of the same from any claim for damages by the said Company for any loss or injury sustained by them in consequence of such obstruction or interruption.

Penalty for maliciously damaging the works of the Company.

XII. And be it enacted, That if any person or persons shall wilfully, maliciously, and to the prejudice of the said Company, break, throw down, damage or destroy any post or posts, rail, support, wire, machine, machinery, or other works or device erected, constructed or possessed under the authority of this Act, or do any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution, making, completing, supporting, maintaining and using the said Electric Telegraph, either on the main Line or on any of its branches, or other works therewith connected, every such person or persons so offending shall forfeit and pay to the said Company the amount of the damages and the costs of suit in that behalf incurred, in like manner as for any other trespass.

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FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. IV.

An Act to incorporate the Hillsborough Plaister and Rail Road Company.

Passed 15th March 1851.

**W**HEREAS the Township of Hillsborough, in the County of Albert, offers 'advantageous situations for the quarrying and working of Free Stone, Marble, Lime Stone, and other building materials, quarrying and manufacturing of Plaister, and for Mining purposes; and for procuring the requisite capital it is desirable to incorporate into a Body Politic and Corporate such persons as may be willing to advance funds for such undertaking;'

Preamble.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That Samuel Fowler, Augustus C. Downing, Daniel C. Schanck, James Smith, and Charles Fowler, their associates, successors and assigns, shall be and they are hereby erected into a Body Politic and Corporate, by the name of *The Hillsborough Plaister and Rail Road Company*, and by that name shall have a Common Seal, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatever; and shall have power and authority to purchase, hold and enjoy lands, tenements and hereditaments, for them and their successors and assigns, and all other powers and privileges now incident to a Corporation by Act of Assembly of this Province, for the purpose of quarrying, manufacturing and trading in Plaister, Free Stone, Lime Stone, Marble, and other building materials, conveying the same to market, opening and working Mines, and other business connected therewith; and also the constructing and making of such Rail Road or other description of road as may be necessary for the transportation of such articles from the quarries to the place of shipment; and also, that they, the said Company, or a majority of them, shall from time to time and at all times have full power and authority to constitute, ordain, make and establish such bye laws and ordinances as may be deemed necessary for the good rule and government of the said Corporation, provided that such bye laws and ordinances be not contradictory or repugnant to the Laws and Statutes of this Province, and those in force within the same.

Company incorporated by the name of *The Hillsborough Plaister and Rail Road Company*, with powers incident to Corporations by Act of Assembly.

Purposes.

Bye laws.

II. And be it enacted, That the capital stock of said Corporation shall be Twenty five thousand pounds current money of the Province of New Brunswick, with liberty to increase the same to the sum of Fifty thousand pounds, to be divided

Capital to be £25,000, with power to increase.

into

Votes.

Stock Certificates may be given in payment for lands, &c.

First meeting of the Corporation for making bye laws and choosing Directors.

Time of annual meeting to be fixed by the bye laws. Directors to be chosen.

Omission to meet not to work a forfeiture.

Power of Directors to manage the affairs.

Shares to be numbered and assignable.

Liability for debts, &c.

Act to be void if 10 per cent. of capital be not paid and Certificate

into shares of twenty five pounds each, to be paid in at such times and instalments as the business of the said Company shall require; and every person who shall be a holder of one or more shares shall be entitled to vote, either in person or by proxy, having one vote for each share as aforesaid; and it shall be lawful for said Corporation to grant Certificates of full stock, in whole or part payment, for the consideration of lands, quarries, buildings, wharves, machinery, mining rights or privileges, in the place of money subscription to said stock, at such valuation as a majority of all the subscribers shall fix, said subscription to become void if satisfactory titles or conveyances to the Corporation be not made at such a period as said Corporation may by any bye laws or vote direct after its organization.

III. And be it enacted, That the first meeting of the said Corporation shall be held at Hillsborough aforesaid, and shall be called by Samuel Fowler, Esquire, or in case of his death, neglect or refusal, by any two of the said Company, by giving notice in one or more Papers printed in the City of Saint John in this Province, at least thirty days previous to such meeting, in order to organize the said Company, and for the purpose of establishing bye laws, choosing Directors and such other Officers as may be necessary, which Directors and Officers so chosen shall continue in office until the first annual meeting, or until re-election, or others are chosen in their stead; and that the members of the said Company, or shareholders present or appearing by proxy, shall organize said Company, establish bye laws, and choose Directors of the said Company, by a majority of votes.

IV. And be it enacted, That the shareholders shall meet annually at such time and place as may be appointed and regulated in and by the bye laws of said Company, at which meeting the shareholders present or by proxy may either continue in office the Directors before appointed, or any number of them, or may elect a new body of Directors to supply the place of those not continued in office; provided always, that the omission to meet shall work no forfeiture, but the shareholders may be afterwards called together for that purpose by one or more of the Directors of the said Company for the time being, or by any three of the shareholders.

V. And be it enacted, That the Directors and Officers of the said Company, or a majority of them, shall have full power and authority to manage the concerns of said Corporation, subject to the bye laws of said Corporation, and the regulations herein contained, may appoint and employ any agent or other persons by them deemed necessary, may declare annual or semi-annual dividends or profits as ascertained by them; but no person shall be eligible as a Director unless such person is a stockholder, and of the full age of twenty one years; nor shall any sale or purchase of real estate be made by them, except by consent of two thirds of the stockholders voting as provided in section second.

VI. And be it enacted, That all the shares in the said Company shall be numbered in progressive order, and every member of said Company shall have a Certificate under the Seal of said Corporation, and signed by the President and Clerk thereof, certifying his property in such shares as expressed in the Certificate; and the shares of the said Corporation shall be assignable, and such assignee shall thereupon become a member and stockholder in the said Company; and whenever any stockholder or shareholder shall assign or transfer his stock or shares in the said Company, he shall cease to be a member of the said Corporation.

VII. And be it enacted, That the joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

VIII. Provided always, and be it enacted, That unless ten per cent. of the capital stock shall be paid in for the purposes of the Corporation, and a certificate of such payment

payment, signed and verified on oath by the said Directors, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer), shall be filed in the Office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation be terminated at the expiration of the said three years.

lodged in the Provincial Secretary's Office within three years.

IX. 'And whereas also it may be necessary for the said Corporation to obtain a 'right of way or road over the lands of other persons, from their quarries to their wharves or place of shipment;' Be it therefore enacted, That in case where the Corporation cannot amicably agree with any person or persons as to the value of or damage done to his or their lands, by the making of any necessary road by the said Corporation from their said quarries to their wharves or place of shipment, then it shall and may be lawful for the said Corporation to obtain from two Justices of the Peace for the County where the said lands may lie, an appointment in writing under their hands of five disinterested freeholders of said County, who shall under oath, to be administered by either of said Justices, appraise the fair value of the land to be appropriated for said road, or the damages thereof, to the said party or parties over whose land the same may pass; and upon the payment, by the said Corporation, of the amount of such value or damages to said party or parties, or upon a legal tender of the same by the Corporation, or their Attorney for that purpose appointed, it shall and may be lawful for the said Corporation, by their servants, agents or hired men, without further notice, to pass and repass over said required road at all times and with such things and in such manner as they may think fit.

Compensation for right of way to be determined by appraisers when an amicable arrangement cannot be made.

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FREDERICTON, N. B. :

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

GAP. V.

An Act to incorporate the Arestook Falls Canal and Mill Company.

*Passed 28th March 1851.*

**WHEREAS** it has been deemed expedient to incorporate a Company for the purpose of cutting and making a Canal or Raft Sluice round the Arestook Falls, and to erect Mills, to commence at the Boundary Line between this Province and the State of Maine, at or near a point where the said line crosses the Arestook River in the Parish of Andover, in the County of Victoria, thence down and by the said River, or through a Valley or Ravine on the right bank thereof, to a place called the Basin near the lower pitch of the Arestook Falls, thence down said River to its intersection with the River Saint John;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Mark Trafton, John B. Trafton, John E. Marshall, Peter Staples, Mark Trafton, Junior, John Bright, William B. Trafton, Andrew W. Rainsford, Benjamin Beveridge, William F. Bedell, Francis Tibbits, their associates, successors and assigns, be and they are hereby declared to be a Body Corporate, by the name of *The Arestook Falls Canal and Mill Company*, and by that name shall have perpetual succession, and a Common Seal, and all the privileges and franchises incident to a Corporation by Act of Assembly of this Province, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions in such manner and form as they may think proper, if said enlargement shall be found necessary to fulfil the intention and purposes of this Act, and of purchasing, taking, and holding to them, their heirs and assigns, in fee or for any less estate, such lands, tenements, and estate, real and personal, and goods and chattels, as will be necessary for them in the prosecution of their business as a Canal and Mill Company, and to use the waters of the Arestook River so far as may be necessary for the purposes of this Act, provided always, that the same do not interfere with the full and free navigation of the said River, and of suing and being sued, and doing other matters and things which a Body Politic and Corporate may lawfully do, for the purpose of constructing a Canal or Raft Sluice round the Arestook Falls, to commence at the Boundary Line between this Province and the State of Maine, and to extend to the junction of the Arestook River with the River Saint John, and for the purpose of erecting Mills for the manufacture of Lumber and Flour, and for carrying on and managing the same.

Preamble.

Company incorporated for the purpose of forming a Canal or Raft Sluice round the Arestook Falls, and erecting Mills.

General privileges.

Increase capital.

Hold lands and chattels.

Use waters of the Arestook.

Sue and be sued.

Amount of capital and number of shares.

II. And be it enacted, That the capital stock of said Company shall consist of twenty five thousand pounds of current money of this Province, which shall be divided into one thousand shares, of twenty five pounds each.

First meeting to organize the Company.

III. And be it enacted, That whenever five hundred shares of said capital stock shall have been subscribed, a formal meeting of the stockholders shall take place, by a notice in a Newspaper published in the County of Carleton, or Victoria, thirty days previous to said meeting, in order to organize the said Company, and to choose Directors and such other officers as may be necessary to conduct the business of the Company, who shall serve until the first annual meeting, and until like officers shall be chosen; and the said Company may then, or at any subsequent meeting, make, ordain and establish such bye laws and ordinances as may be thought necessary for the good rule and government of said Corporation, provided the same be not contradictory to the laws of this Province.

Annual meeting to be held at Andover on first Tuesday in January, when Directors, &c., shall be chosen.

IV. And be it enacted, That the stockholders shall meet annually in the Parish of Andover, on the first Tuesday in January in each and every year, of which meeting at least thirty days notice shall be given in a Newspaper published in the County of Carleton, or Victoria aforesaid; at which annual meeting there shall be chosen, by a majority thereof, a Board of not less than three or more than seven Directors, and the other officers, who shall continue in office one year, or until others are chosen in their room; provided that the omission to meet and elect as aforesaid shall work no forfeiture, but the stockholders may be afterwards collected together for that purpose.

Directors to appoint a President.

V. And be it enacted, That the Directors shall at their first meeting after their election, choose one of their number President of the Company; and that a majority of the Directors shall constitute a Board for the transaction of business; that in the absence of the President, the Directors may choose one of their number Chairman for the time being; that the President or Chairman shall not vote at the Board as a Director, and in case there be an equal number of votes for and against any question before them, the President or Chairman shall have a casting vote.

Quorum for business.

Qualification of a Director, and number of votes stockholders may give.

VI. And be it enacted, That no person shall be eligible as a Director unless such person is a stockholder, and is of the full age of twenty one years; that the number of votes to which each stockholder shall be entitled on every occasion when the votes of the stockholders are to be given, shall be in the proportion following, that is to say—for one share and not more than two, one vote; for every two shares over two and not exceeding ten, one vote, making five votes for ten shares; for every four shares over ten and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; which said number of twenty votes shall be the greatest any stockholder shall be entitled to have; and that absent members may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing; that in case any Director shall be removed by the stockholders for misconduct or maladministration, his place shall be filled up by them, fourteen days notice of the time and place of meeting for that purpose being first given; and in case of a vacancy among the Directors by death, resignation, or disqualification by sale of stock, the remaining Directors 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 be chosen in his room.

Vote by proxy.

Supply of vacant Directorships.

Liability for debts.

VII. And be it enacted, That 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;

Company; and that no creditors, 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 where the joint stock of the said Company shall fall short of or not be equal to the payment of any debt, due or demand against the same, or upon *nulla bona* being returned on any execution issued against the goods and chattels of said Company; that then and in either of such cases, 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.

VIII. And be it enacted, That the shares in the said stock shall be assignable and transferable, according to such rules and regulations as may be established in that behalf; that no assignment or transfer shall be valid and effectual unless the same shall be entered or registered in a book to be kept for that purpose by the Directors; that in no case shall any fractional part or share, or other than a complete share or shares, be assignable or transferable: that whenever any stockholder shall transfer in manner aforesaid, all his stock or shares in said Company, he shall cease to be a member of said Corporation.

Shares to be assignable.

IX. And be it enacted, That said Company shall have power and authority by themselves, or their superintendents, engineers, artists, and workmen, to enter in and upon, and occupy and use all the land and water which shall be necessary and suitable for constructing and making the said Canal and Mills, so long as they do not interfere with the free and full navigation of the Arestook River, nor in any way divert the water of the said Arestook River, to the injury or prejudice of any owner or owners of any Mill site, or water power along the said River, without first making due compensation to the said owner or owners thereof, for any depreciation in value that may be caused to such Mill site or water power; such depreciation to be ascertained in the same manner as hereinafter provided, and to make such Canal and Mills as aforesaid; provided always, that in all cases the said Company shall pay for such land or estate so taken and used, in case the owner thereof shall demand it, such price as the owner or respective owners thereof, and said Corporation, may mutually agree upon; and in case the said parties shall not otherwise agree, then it shall be lawful for the said Company, or for said owner or owners, to apply to two of Her Majesty's Justices of the Peace for the County of Victoria, for a Warrant, which Warrant shall be in the form set forth in the Schedule A hereunto annexed, and shall be directed to the High Sheriff of the County, his Deputy or any Constable, to summon a Jury of five disinterested freeholders or occupiers of land in said County, who shall be sworn to examine the site of the said Canal or Mills; and in case the same shall pass through or enter upon any land, or shall occasion the removal of any buildings or fences, then and in all such cases the damages shall be ascertained and assessed by such Jury, provided at the same time, in considering the damage the owner or owners of said land may sustain, for or by reason of any operation of such Company, the direct and indirect damage, as well present as future, shall be fully considered, so that full justice shall be done to all parties.

Company empowered to occupy lands for their Canal and Mills on compensation made.

In case of disagreement, compensation to be assessed by a Jury.

X. And be it enacted, That the said Company, their superintendents, engineers, artists, workmen, and labourers, with their tools, carts, wagons, and other carriages, and

Company empowered to take materials from the

Joining lands, on  
impensation made.

and beasts of burden or draught, may enter upon the land contiguous to the said Canal or Mills, whether granted or ungranted, giving or publishing notice to the occupiers thereof, if any, and from thence take and carry away any stone, gravel, sand, earth, timber, or other material necessary to the construction of the said Canal and Mills, doing as little damage as possible, and repairing any breaches they may make, and making amends for any damage that may be done thereon; the amount of such damages, if the parties cannot agree, to be ascertained in like manner in all respects as provided for by the ninth section of this Act in other cases.

Authority to de-  
mand tolls.

XI. And be it enacted, That the said Company, or such person or persons as they shall from time to time appoint as Toll Collector, or their Deputies, are hereby authorized to demand and receive toll on all lumber and other commodities passing through the Canal or Sluice made by and belonging to the said Company, according to the following rates, viz: For all timber, masts, spars, and long timber of every description, whether round or hewed, one shilling and eight pence per ton of forty cubic feet; for all boards, planks, joists, scantling, deals, and sound logs, together with all other sawed lumber, not otherwise provided for, three shillings and four pence per thousand feet, board measure; for clapboards, three shillings and four pence per thousand; for shingles, seven pence per thousand; and for all other descriptions of lumber, in the same proportion; and for any other commodity, goods or chattels of any description, which may pass through the said Canal or Sluice, there shall be paid a reasonable toll; and such toll shall be chargeable as soon as any part of said Company's works shall be so far advanced as to make it an object for the public to use the same.

Rates.

Lien for tolls  
granted.

XII. And be it enacted, That the said Company shall have a lien upon all lumber and other commodities that may pass through the said Canal or Sluice, for the tolls, as stipulated in the eleventh section of this Act, and may detain the same, or any part thereof, and sell or dispose of so much of said lumber, or other commodities, as will pay the amount of toll due on the same, together with all necessary charges and costs, first giving at least ten days notice in writing to the owner or agent of the owner of said lumber or other commodities; and in case the said toll be not then paid, to advertise the time of and place of sale for at least six days previous thereto.

Company autho-  
rized to erect dams,  
booms, ware-  
houses, &c.;

XIII. And be it enacted, That the said Corporation are hereby authorized to make and erect such dams, locks, piers, booms, wharves, warehouses, depots, toll houses, mills, and other erections, either at the terminations of the said Canal or Sluice, or along the line thereof, as they may deem expedient for their purposes; and shall also have power to levy and collect assessments upon the shares from time to time, of such sums of money as may be required for the business of the said Company; and whenever any assessment shall be made by the stockholders, it shall be the duty of the Treasurer to give notice requiring payment thereof 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 sale; and all shares upon which the assessment is not then paid, with interest from the time the same became due, shall be sold to the highest bidder; and after retaining the amount of assessment and interest due on each share, and expense of advertising and selling, the residue, if any, shall be paid to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchasers; provided always, that no assessment shall be made except by vote of the stockholders, or majority of all the shares being represented.

And to assess  
the shares to  
carry on the busi-  
ness, and sell them  
in case of default  
in payment.

XIV. And be it enacted, That the owner or owners of any land through which the Canal or Sluice may pass, shall not be prevented from constructing bridges over said Canal or Sluice, agreeably to the form and structure of the bridges which may be constructed by the said Company.

Bridges may be erected over the Canal by the land-owners.

XV. And be it enacted, That all meetings of the said Corporations shall be held in the Parish of Andover aforesaid, and shall be called by giving notice of the same fourteen days at least prior to such meeting, and that special meetings may be called by the Secretary, under the authority of the Directors, or of the shareholders representing not less than two hundred shares of stock, and that all notices required to be given by this Act, shall be deemed sufficient if published in any Newspaper published in the County of Carleton or Victoria.

All meetings to be held in Andover, and special meetings may be called.

XVI. And be it enacted, That it shall be the duty of said Company, after its organization, and before the completion of their Canal or Sluice, and other erections made in pursuance of this Act, to prepare a map or plan, on which they shall designate the land occupied and proposed to be occupied by them for the objects and purposes set forth in this Act; said map or plan shall be certified by the President of said Company, and deposited in the Office of Register of Deeds for said County of Victoria, and a notice that such plan or map has been made and deposited as aforesaid, shall be published in some Newspaper printed in the County of Carleton or Victoria.

Company after organization, to deposit a plan of their works with the Registrar of Deeds for Victoria County.

XVII. And be it enacted, That the said Corporation, to entitle themselves to the privileges, benefits, and advantages to them granted by this Act, shall and they are hereby required to make and complete the said Canal and Sluice, so far as to afford a passage for lumber round said Arestook Falls, within five years from the passing of this Act; and if the same shall not be so made and completed within the period so named, for the passage of lumber, then this Act and every matter and thing therein contained, shall cease and be utterly null and void, except as to liabilities previously incurred.

Canal and Sluice to be completed within five years, or this Act to be void.

SCHEDULE A.

[ L. S. ] To the Sheriff or Deputy Sheriff of the County of Victoria.

You are hereby commanded to summon a Jury of five disinterested Freeholders of your County on the day of at of the clock in the noon, and then and there to assess the damages, if any, which has sustained by reason of the works and operations of the Arestook Falls Canal and Mill Company through and upon his lands or premises.

Form of precept to summon a Jury.

Given under our hands and seals, the day of A. D. one thousand eight hundred and

} Justices of the Peace  
} for the County of Victoria.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. VI.

An Act to incorporate the Simonds Agricultural Society.

Passed 30th April 1851.

**W**HEREAS Asa Upton, John Boyer, Newman Raymond, Charles R. Upton, Thomas Shaw, James Buchanan, Charles S. Appleby, John A. C. Nicholson, Matthew S. Phillips, George R. Boyer, and others, inhabitants of the Parish of Simonds, County of Carleton, did in the year one thousand eight hundred and forty eight form themselves into a Society for the promotion of Agriculture in the said Parish, which said Society has been ever since in active and useful operation: And whereas the said Society, from not being incorporated, is subject to many inconveniences, and has, in consequence thereof, been found unable in many instances, efficiently to carry out the intentions and promote the object of the Society;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Asa Upton, John Boyer, Newman Raymond, Charles R. Upton, Thomas Shaw, James Buchanan, Charles S. Appleby, John A. C. Nicholson, Matthew S. Phillips, George R. Boyer, and all other such persons as are now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of *The Simonds Agricultural Society*, for the purpose of promoting and encouraging Agriculture and rural and domestic economy and industry within the said Parish; and for these purposes shall have and enjoy all general powers made incident to Corporations by the Act of the General Assembly of this Province passed in the sixth year of the Reign of His late Majesty King William the Fourth.

II. And be it enacted, That there shall be a general meeting of the members of the said Corporation to be annually holden on the third Tuesday in October in each and every year, at or near the farm and residence of Newman Raymond, in the said Parish of Simonds; at which annual meeting there shall be chosen by a majority thereof, one President, ten Vice-Presidents, a Treasurer and Secretary, who shall continue in office for one year, or until others are chosen in their room; in the choice of which, each member of the said Corporation shall have one vote for each of the aforesaid officers.

III. And whereas at a general meeting of the members of the Society hereby incorporated, held at the Parish of Simonds aforesaid, one President, ten Vice-Presidents, a Treasurer and Secretary, were elected by the votes of the said members, for the current year; Be it therefore enacted, That the said officers so elected as aforesaid, are hereby declared to be the officers of the said Corporation until the third Tuesday in October next, or until others are chosen in their stead.

Preamble.

Company incorporated by the name of *The Simonds Agricultural Society*.

To have the general powers incident to Corporations under Act 6 W. 4. c. 33.

An annual general meeting to be held on third Tuesday in October.

Officers to be then chosen.

Office bearers already appointed to continue in office till others are elected in their place.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. VII

An Act to amend and extend the operation of the Act to incorporate the Fredericton and Saint John Electric Telegraph Company.

Passed 15th March 1851.

**6** WHEREAS it is desirable to extend the line of the Telegraph to Woodstock in this Province, now in operation under an Act made and passed in the thirteenth year of Her present Majesty, intituled *An Act to incorporate the Fredericton and Saint John Electric Telegraph Company;*

Preamble.

13 V. c. 11.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Fredericton and Saint John Electric Telegraph Company are hereby empowered and authorized to erect and build a line or lines of Electric Telegraph communication in through and from the City of Fredericton, in and to and through the Town of Woodstock in the County of Carleton, in such direction as they may deem meet.

Company authorized to erect a line or lines of Electric Telegraph communication between Fredericton and Woodstock.

II. And be it enacted, That the third, fourth, fifth, sixth and seventh sections of the said Act, passed in the thirteenth year of Her present Majesty's Reign, intituled *An Act to incorporate the Fredericton and Saint John Electric Telegraph Company,* shall extend and apply to and be in force in respect of the said line or lines of Electric communication so to be erected under the provisions of this Act, and all and every the powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things contained in the said several sections respectively, shall be created, incurred, and be observed in regard to and in respect of the said line or lines of Electric communication, as fully and effectually to all intents and purposes as if the said powers, authorities, methods, remedies, rules, regulations, advantages, directions, clauses, matters and things were severally and respectively repealed and re-enacted herein; and that the provisions of an Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act for the punishment of persons guilty of injuring Electric Telegraphs,* are hereby declared to extend to the line or lines to be constructed by virtue of this Act.

Certain sections of 13 V. c. 11, extended to the said lines;

Also the provisions of 13 V. c. 34.

III. And be it enacted, That the capital stock of the said Corporation shall be and is hereby increased to two thousand five hundred pounds, with power to the said Company to further increase the same to three thousand pounds, if they deem it necessary for the purposes of the Company.

Capital stock increased, with power of further increase.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. VIII

An Act to incorporate within this Province the British North American Electric Telegraph Association.

Passed 30th April 1851.

**W**HEREAS under the provisions of an Act made and passed by the Legislature of the Province of Canada in the twelfth year of the Reign of Her present Majesty, intituled *An Act to incorporate the British North American Electric Telegraph Association*, the said Company has been duly organized and constituted, and the works by them erected are now in actual operation: And whereas it is deemed advisable to incorporate the said Company within this Province, to enable them to connect their works at Woodstock, in the County of Carleton, with those of a similar nature to be constructed to Woodstock by the Fredericton and Saint John Electric Telegraph Company;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That George O'Kill Stewart, The Honorable Rene Edouard Caron, Peter Langois, Junior, John Jones, Christian Wurtell, James Tibbits, Henry John Noad, Alexander Gillespie, and Edward Boxer, together with such other persons as shall hereafter become proprietors of Shares in the said Company, their successors and assigns, shall be and they are hereby united into a Company for the constructing, completing and maintaining a line or lines of Telegraphic communication from some place in the said Province of Canada to and through Woodstock in this Province, and shall for that purpose be and are hereby declared to be a Corporation and a Body Politic and Corporate by the name of *The British North American Electric Telegraph Association*, and by that name shall have perpetual succession and a Common Seal, and all other powers made incident to a Corporation by the Acts of Assembly in this Province, for the purpose aforesaid.

Company incorporated by the name of the *British North American Electric Telegraph Association*, to construct a line of Telegraph from Canada to Woodstock.

II. And be it enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered by themselves, their deputies, agents, officers and workmen, to make and complete a single or double line of Electric Telegraph, communicating from and between some place in the Province of Canada to and through Woodstock in this Province, with power to establish such branch lines in connexion therewith as the increase of business, the establishment of Rail Roads, or other circumstances, may make advisable; and for the purposes of the said main line and the several branches thereof, to make such erections as may be necessary, and to purchase and acquire such machinery, contrivances and materials, and real or moveable property, as may be necessary for the making, maintaining and working

Company authorized to make a double or single line of Electric Telegraph between Canada and Woodstock.

the

the said Electro Telegraphic communication, and may use, hold and possess the land over which the said Electric Telegraph is to pass, in the manner and under the provisions hereinafter set forth.

Authority given to enter on the sides of the public roads, bridges, &c., and erect their works;

III. And be it enacted, That it shall be lawful for the said Company, their agents and servants, to enter upon the side or sides of all or any of the public roads, bridges, streets or highways in this Province, through, along, across, or by which the said Electro Telegraphic line or any of its branches shall pass or be required to pass, and on the same to set up, erect and construct such and so many posts or other works as they in their discretion may deem necessary for making, using and maintaining the said Electric Telegraph, and from time to time as often as the said Company, or their agents or servants, shall think proper, to dig, break up and open any part whatsoever of the said roads, streets or highways, not interfering with that part of the same appropriated for the use of carriages, wagons or horses, and to keep the same open during the time necessary for the setting up, erecting and constructing of such posts or other works; provided always, that nothing herein shall be construed to extend to prevent the setting up, erecting or constructing of any posts or work which may in any way obstruct any of the said public roads, streets, bridges or highways; and provided also, that the said Company, their agents or servants, do and shall at their proper costs and charges, and without any unnecessary delay, repair and amend the said public roads, streets and highways, in any part where they shall be so broken up, dug or opened as aforesaid, to the like condition in which they were before digging and breaking up the same.

But so as not to obstruct the use of any of the roads, &c.

Company to replace parts broken up.

Company authorized to enter on private property when necessary for the erection of their works.

IV. And be it enacted, That if it shall at any time be deemed necessary by the said Company, or their agents or servants, to carry any part of the said main or branch lines of the said Electric Telegraph through or over any estates, lands or grounds, being private property, it shall be lawful for the said Company, by their agents or servants, to enter into and upon the lands of any person, or bodies politic or corporate, as they shall think necessary, for the making, completing, maintaining or repairing the said line or lines, and on such lands to set up, construct or build such posts, buildings or other erections as may be necessary for such line or the branches thereof, and do all other matters and things which they, the said Company, or their agents, shall think convenient and necessary for the making, extending, repairing and easy using of the said Electric Telegraph or its branches, or the works connected therewith, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and agreeing with the owner or owners, occupier or occupiers of such private property, as to the amount of compensation to be paid to such owners or occupiers respectively; and in case of disagreement as to the amount of damages or compensation to be paid by the said Company, then the amount thereof shall be ascertained and determined by three arbitrators, one to be chosen by the said Company or their agents, and one by the owners or occupiers of the private or corporate property in question, which two arbitrators so chosen shall choose a third arbitrator; and in case the two first mentioned arbitrators shall not agree in the choice of a third arbitrator, 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 application of the said Corporation, or their agent, to appoint a 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 shall be filed in the Office of the Clerk of the Pleas of the Supreme Court; and in case any of the said owners or occupiers of such private or corporate property shall decline making any such agreement, or appointing such arbitrator, then and in every

Compensation to be made according to private agreement, or as fixed by arbitrators appointed as herein directed.

every such case the said Corporation or their agent shall make application to the Supreme Court of this Province, or to any one of the Judges 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 or City and County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County, and in case of the said Sheriff and Coroner being both interested, then to some disinterested person or persons, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empanel a Jury of twelve freeholders within the said County, who may be altogether disinterested, which Jury upon their oath, (which oath, 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 and are 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 which may and shall be sustained by such owner or owners, occupier or occupiers of such private or corporate property as aforesaid; and the award, inquisition or verdict of such Jury, shall be returned 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, when 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.

V. And be it enacted, That so soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches, shall be completed and opened, it shall be lawful for the said Company at all times thereafter to ask, demand, take, sue for and recover to and for their own proper use, such rates, tolls or dues, and such sum or sums of money as they may think just and reasonable, for the transmission and writing out of any and every message or communication of any kind soever transmitted and conveyed at the cost and charge of the said Company by or upon the said Electric Telegraph.

Company authorized to make and recover charges for the transmission of communications, &c.

VI. And be it enacted, That it shall be lawful for the Governor General or Administrator of the Government of the Province of Canada for the time being, and for the Lieutenant Governor or Administrator of the Government of this Province for the time being, to have and enjoy at all reasonable and proper times, and in preference to all others whomsoever, the right and privilege of using the said line of Electric Telegraph and any of its branches, for the transmission of messages or communications relating to the public service only, whether Imperial or Provincial, from or to any Stations with which the said line or any of its branches shall connect, and that the rates of charge therefor shall not in any one case or at any one time exceed the ordinary rates of charge made to private individuals and others for the transmission of like messages; provided always, that such messages and communications are strictly and solely of a public nature.

A preference in the use of the Electric Telegraph secured to the Governor General of Canada, and the Lieutenant Governor of this Province.

VII. And be it enacted, That any award made, or any verdict given by any Jury of inquiry, in the manner and for the purposes provided for in the fourth section of this Act, shall have the force and effect of a judgment of the Supreme Court, and that it shall and may be lawful for any person or persons, or bodies politic or corporate, in whose favour any such award shall be made or verdict given, to issue out of the Supreme Court of this Province a Writ in the form as near as may be of a

Award or verdict obtained under the fourth section of this Act to have the effect of a judgment of the Supreme Court.

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*feri facias*, for the recovery of the amount of such award or verdict, and the costs thereof, together with the costs of obtaining such Writ, directed to the Sheriff of any County in this Province where property of the said Company may be found, which Writ shall briefly recite such award or verdict, and shall be subject to the like rules in every respect as executions issued upon judgments in ordinary cases; provided always, that no such Writ shall issue against the said Company till after the expiration of thirty days from the filing of such award or verdict, nor without the order of the Supreme Court or a Judge thereof, to be made on affidavit of a demand of the amount of such award or verdict, and the taxed costs, from the said Company or their agents, thirty days before such application and the non-payment thereof.

Joint stock to be alone responsible for the debts in the first instance; after exhaustion, the property of the stockholders to double the amount of shares.

VIII. And be it enacted, That the property of the said Company shall alone in the first instance be responsible for the debts, liabilities and engagements of the same; and that no creditor, person, or body politic or corporate, having any demand against the said Company for or on account of any dealings or transactions 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 property of the said Company shall fall short of or not be equal to the payment of any debt or liability of the said Company, or upon *nulla bona* being returned to any execution issued against the goods and chattels, lands and tenements of the said Company, then and in either of such cases, 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 or capital of the said Company, but no more; and that such double amount, or so much thereof 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 said Company.

Punishment for wilfully destroying the works of the Company.

IX. And be it enacted, That whosoever shall wilfully break, throw down, cut, sever, injure, damage or destroy any of the works, machinery or property of the said Company, or do any other act whereby the communication by the said line of Electric Telegraph or any branch thereof may be interrupted, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding four years, which punishment shall be in addition to any civil or other remedy for such offence.

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FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. IX.

An Act to amend an Act relating to Churches erected or to be erected in this Province in connexion with the Established Church of Scotland.

Passed 30th April 1851.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the fourth section of an Act made and passed in the second year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal all the Laws now in force relating to Saint Andrews Church in the City of Saint John, and for incorporating certain persons, Pewholders of the said Church, and of the several Churches erected or to be erected in this Province in connexion with the Church of Scotland*, be and the same is hereby repealed.

Act 2 W. 4. c. 13, s. 4, repealed.

II. And be it enacted, That the owners or proprietors of pews and all male communicants of the full age of twenty one years, in the several Churches erected or to be erected in this Province in connexion with the Established Church of Scotland, shall on the first Wednesday in June, or within ten days thereafter, yearly and every year assemble and meet together at their respective Churches, and then and there by a plurality of voices of the said pewholders and male communicants aforesaid then present, between the hours of twelve and three o'clock in the afternoon, elect and choose any number not exceeding twelve persons nor less than five, being owners or proprietors of pews as aforesaid, to be Trustees for the purposes of the said Act to which this is an amendment, who shall thereupon enter into the execution of their office as such, and continue in the same one year and until other fit persons shall be chosen in their stead; provided always, that the ownership or proprietorship of a pew shall not entitle more than one person to vote at any such election.

Pew owners and communicants of each Church to assemble annually on first Wednesday in June, and elect not exceeding twelve persons to be Trustees.

III. And whereas there are now some Churches in connexion with the Established Church of Scotland in this Province that have no proprietary of pews; Be it enacted, That in all such cases, and in all others that may hereafter arise, it shall and may be lawful for all male communicants and regular sitters in any such Church or Churches to assemble at the time and in the manner aforesaid, and elect from among themselves Trustees as hereinbefore provided, who shall, when so elected, exercise and enjoy all the privileges and be subject to the provisions of this or any other Act of the Legislature of this Province made or to be made relating to the Churches aforesaid.

In Churches that have no proprietary of pews, male communicants and sitters may elect Trustees.

IV. And be it further enacted, That in all meetings of Trustees after the passing of this Act, on due notice being given or left at the usual place of business

A majority of the Trustees to be a quorum for business.

or residence of each Trustee, a majority of the members elected on the day of the annual election shall constitute a quorum for the transaction of business.

Trustees to elect a  
Chairman.

V. And be it enacted, That the Trustees of any Church elected as aforesaid, or the major part of them, after due notice being given, or left at the usual place of abode, of their election, by the Secretary of the meeting, and of the place and time of the first meeting of the Trustees so elected, shall elect from among themselves a Chairman, who shall preside over the deliberations of all meetings of Trustees; provided always, that in case of absence of such Chairman, it shall be lawful for the Trustees then present to elect a Chairman for the time being to preside over the meeting.

Chairman pro tem.  
may be appointed.

Intermediate  
vacancies may be  
filled up by the  
Trustees.

VI. And be it enacted, That in case of refusal to act as a Trustee, or in case of the death or absence from the Province for four months of any Trustee or Trustees so elected as aforesaid, it shall be lawful for the remaining Trustees, or the major part of them, at any meeting regularly convened, to appoint from among those duly qualified under this Act, another or other Trustees, in the room and place of any Trustee or Trustees who may have so refused to act, died or been absent from the Province for four months, and this so often as the same shall happen; and any Trustee or Trustees so appointed shall continue in office until the next election, or until another or others is or are chosen in his or their stead.

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FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. X.

An Act to authorize and empower the Trustees of certain Glebe Lands in the Parish of Monkton, in the County of Westmorland, to sell the same, and to vest the proceeds in other Lands.

*Passed 15th March 1851.*

**W**HEREAS the two pieces or parcels of Land hereinafter particularly described, situate in the Parish of Monkton, in the County of Westmorland, and bounded as follows, that is to say: The first Tract beginning at a marked spruce tree, standing on the north bank or shore of Petitcodiac River, and at the southwesterly angle of the grant to Abraham Trites; thence north one hundred and sixty two chains; thence west thirty two chains; thence south to the said side of Petitcodiac River aforesaid; and thence along the bank or shore thereof, down stream, to the place of beginning; being Lot A, adjoining the grant to Timothy Charters, containing four hundred and seventy eight acres, more or less, and also particularly described and marked on the plot or plan of Survey annexed to the Grant thereof: The second Tract beginning at a marked Fir, standing at the southwesterly angle of Lot number one, granted to John Mills, in the grant to John Mills and others; thence north one hundred and ten chains; thence north sixty three degrees west, thirty two chains; thence south one hundred and ten chains, or to a marked yellow birch tree standing at the southeasterly angle of Lot number three, granted to Lewis Mills; and thence south sixty three degrees east, thirty two chains, to the place of beginning; being Lot number two, containing three hundred and thirty acres, more or less, and also particularly described and marked on the plot or plan of Survey annexed to the Grant thereof, were, with other lands situate in other Parishes, granted by Letters Patent under the Great Seal of the Province of New Brunswick, unto the Chief Justice, the Archdeacon, the Secretary, the Attorney General and Solicitor General, of the said Province for the time being, and their Successors in office, in trust, to be conveyed to the Corporations of the Church of England in the Parish where the same lie, whenever the same shall be legally established, as Glebes for the use of the Rectors or Ministers of the said Church in the said Parish respectively: And whereas at present there is no legal Corporation established in the said Parish of Monkton, and it is believed that the said several Tracts or pieces of Land could be sold at a fair price, and that the funds arising from such sale might be invested as well in the purchase of other Lands more conveniently situated, as for other purposes more productive to the use of the present Minister or Missionary;

Preamble.

Description of first tract;

Second tract.

Certain public officers empowered to sell and execute deeds of the described land.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Chief Justice, the Archdeacon, the Secretary, the Attorney General and Solicitor General, of the Province of New Brunswick for the time being, or their Successors in office, be and they are hereby authorized and empowered to sell, dispose of and convey all and singular the said Lot or Tracts of Glebe Lands, and make, seal and deliver good and sufficient deeds of conveyance of the same in fee simple.

Proceeds of sale to be invested in the purchase of other freehold property, and erecting a Parsonage House.

II. And be it enacted, That the amount arising from such sale of the whole or any part of the hereinbefore described Tracts of Land shall be invested by the said Chief Justice, the Archdeacon, the Secretary, the Attorney General and Solicitor General, for the time being, or their Successors in office, in the purchase of other freehold property more conveniently situated for the use and behoof of the resident Minister or Missionary for the time being, to hold the same in trust to and for the use of said resident Minister or Missionary for the time being, and also in the erecting, furnishing, building or completing a Parsonage House for the use of the said resident Minister or Missionary for the time being, in the said Parish; provided nevertheless, that not more than one half of the amount arising from such sale shall be applied towards the erecting, finishing, building or completing such Parsonage House.

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FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XI

An Act to incorporate the Saint Stephen Rail Road Company.

Passed 28th March 1851.

**L** **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That George M. Porter, Horatio N. Hill, Daniel Hill, John M'Adam, Joseph E. Eaton, George S. Hill, Nehemiah Marks, George J. Thomson, David Upton, Robert Watson, Samuel Gilmor, Ninian Lindsay, and Henry Eastman, their associates, successors and assigns, are hereby made and constituted a Body Politic and Corporate, by the name of *The Saint Stephen Rail Road 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, and may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof in exercising and performing the same; and the said Corporation are hereby authorized and empowered to locate, construct, and finally complete, alter, and keep in repair a Rail Road, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all the necessary appendages, from the Upper Mills (so called) in the Parish of Saint Stephen, in the County of Charlotte, in this Province, over the most practicable route along or near the left bank of the River Saint Croix, to the mouth of Dennis Stream, and thence to extend the same to the Ledge, or to Oak Point, in the said Parish, whenever the the said Company may deem it expedient to do so, and to make such branches thereof as they may think proper; and the said Corporation shall be and hereby are invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act as herein set forth; and for this purpose said Corporation shall have the right to purchase or take and hold so much of the land and other real estate of private persons or Corporations as may be necessary for the location, construction and convenient operation of said Rail Road and branches thereof; and they shall also have the right to take, remove and use, for the construction and repair of said Rail Road and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; provided however, that said land so taken shall not exceed four rods in width, except where greater width is necessary for the purpose of excavation and embankment; and provided also, that in all cases said Corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may

Company incorporated by the name of *The Saint Stephen Rail Road Company*.

General powers.

Suits.

Construction and repair of the Rail Road on a specified route.

Powers necessary to effectuate this Act.

Purchase or take lands and materials for their works on compensation.

Extent of land limited.

may mutually agree upon; and in case said parties shall not otherwise agree, then said Corporation shall pay such damages as shall be ascertained and determined in the same manner and under the same conditions and limitations as are provided by the second section of an Act made and passed in the thirteenth year of the Reign of Queen Victoria, intituled *An Act relating to the Saint Andrews and Quebec Rail Road*, as also for the recovery of the same; and the land so taken by said Corporation shall be held as land taken and appropriated for highways; and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

Guardians, &c. of infants and other persons under disabilities, may agree for damages and grant releases.

II. And be it enacted, That when said Corporation shall take any land or other estate as aforesaid, of any infant, person non compos mentis, deceased person, or feme covert, whose husband is under guardianship, the guardian of such infant, or person non compos mentis, or the executor or administrator of such deceased person, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said Corporation for damages or claims for damages by reason of taking such land and estate aforesaid, and give good and valid releases therefor.

Capital stock to be £50,000.

Direction of affairs vested in seven Directors.

Quorum for business.

Appointment of Clerk and Treasurer.

Authority to call the first meeting.

III. And be it enacted, That the capital stock of the said Corporation shall consist of fifty thousand pounds, to be divided into two thousand shares of twenty five pounds each, and the immediate government and direction of the affairs of the said Corporation shall be vested in seven directors, who shall be chosen by the members of the said Corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation; and shall have authority to choose a Clerk, who shall be sworn to the faithful discharge of his duty; and a Treasurer, who shall be sworn, and also give bonds to the Corporation, with sureties to the satisfaction of the Directors, in a sum not less than one thousand pounds, for the faithful discharge of his trust.

Authority to make bye laws.

IV. And be it enacted, That the three persons first named in the first section of this Act, are hereby authorized to call the first meeting of said Corporation, by giving notice in one or more Newspapers published in the said County of Charlotte, of the time and place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

V. And be it enacted, That the said Corporation shall have power to make, ordain and establish all necessary bye laws and regulations consistent with the laws in force in this Province, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

Corporation empowered by themselves or their agents to exercise the powers granted for locating and completing their Rail Road, &c.

VI. And be it enacted, That the President, Directors and Company for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the Corporation, for the purpose of locating, constructing and completing said Rail Road and branches, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the Corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold within or without the Province, land, materials, engines, cars, and other necessary things, in the name of the Corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time on all the shares in said Corporation, as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid

Assessments on shares.

to the Treasurer of the Corporation, and the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice given, as shall be prescribed by the bye laws of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser; and such delinquent subscriber or stockholder shall be held accountable to the Corporation for the balance, if his share or shares shall sell for less than the assessment due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessment due, with the interest and costs of sale; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by said Company beyond the extent of his, her or their shares in the capital stock of the said Company not paid up; and no assessment shall be laid upon any shares in said Company of a greater amount in the whole than ten pounds.

Sale and transfer of delinquent shares.

Limitation of liability for debts.

VII. And be it enacted, That a toll is hereby granted and established for the sole use and benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said Road, at such rate as may be agreed upon and established from time to time by the Directors of said Corporation; the transportation of persons and property, the construction of wheels, the form of cars and carriages, the weights of loads, and all other matters and things in relation to said Road, shall be in conformity with such rules, regulations and provisions as the Directors shall from time to time prescribe and direct.

Tolls granted.

Transportation of passengers, &c. to be according to the regulations of the Directors.

VIII. And be it enacted, That the Legislature may authorize any other Company or Companies to connect any other Rail Road or Rail Roads with the Rail Road of said Corporation, at any points on the route of said Rail Road; and this Company is hereby authorized and empowered to connect any Railway they may construct under this charter with any other Railway existing, to be constructed within or without the Province; and the said Corporation shall receive and transport all persons, goods and property of all descriptions which may be carried and transported to the Rail Road of said Corporation, on such other Rail Roads as may be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said Corporation, so that the rates of freight and toll on such passengers, goods and other property as may be received from such other Rail Road so connected with such Rail Road as aforesaid, shall not exceed the general rates of freight and toll on said Rail Road, received for freight and passengers at any of the deposits of said Corporation.

Legislature may authorize other Companies to connect their Rail Road;

And this Company authorized to connect their Rail Road with any other Railway.

IX. And be it enacted, That if the said Rail Road in the course thereof shall cross any private way, the said Corporation shall so construct said Rail Road as not to obstruct the safe and convenient use of such private way; and if such Rail Road shall in the course thereof cross any canal, mill-pond, turnpike, rail road, or other highway, the said Rail Road shall be so constructed as not to obstruct the safe and convenient use of such canal, mill pond, turnpike, or other highway; and the said Corporation shall have power to raise or lower such turnpike, highway, or private way, so that the said Rail Road, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travellers or persons on said turnpike, mill pond, rail road, highway, or private way.

Use of Roads, Canals, &c., not to be obstructed by the Railway.

X. And be it enacted, That said Rail Road Corporation shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may

construct

Bridges for conducting Rail Road over any Canal, &c., to be kept in repair.

construct for the purpose of conducting their Rail Road over any canal, mill pond, turnpike, highway, or private way, or for conducting such private way or turnpike over said Rail Road.

Bridges may be constructed across any tide waters, &c.

XI. And be it enacted, That if said Rail Road, or any branch thereof, shall in the course thereof cross or partly cross any tide waters, navigable rivers or streams, the said Corporation are hereby authorized and empowered to erect, for the sole and exclusive travel on their said Rail Road, a bridge across or partly across each of said rivers or streams, or across or partly across any such tide waters; provided such bridge or bridges, or other erections, shall be so constructed as not unnecessarily to obstruct or impede the navigation of such rivers or waters.

Fences to be maintained.

XII. And be it enacted, That said Rail Road Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their Rail Road, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fences, said Corporation shall be liable to be indicted in any Court having competent jurisdiction within and for the County of Charlotte, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be collected and paid as other fines are by law collected and paid, and shall be expended for the erection or repair of said fence, under the direction of an agent appointed by the Court imposing the fine; provided however, that such fences may be dispensed with at the receiving and landing places of passengers and freight, and at such other places as fences are not elsewhere usually required.

Penalty.

Recovery and application.

Transportation of Mails and Troops.

XIII. And be it enacted, That the said Corporation shall be subject to all such regulations, provisions and conditions in reference to the transmission of Mails and Troops as are established by any law in force in this Province with respect to any other Rail Road Corporation; and said Corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said Rail Road in good repair, and a sufficient number of suitable engines, carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid and tendered, and a lien is hereby created on all articles transported for said tolls; and the said Corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages, or other vehicles, for the transportation of persons or merchandise to pass over said Rail Road or its branches other than its own, furnished and provided for that purpose as herein enjoined and required; provided however, that said Corporation shall be under obligations to transport over said Rail Road and branches in connection with their own trains, the passengers and other cars of any other incorporated Company that may hereafter construct a Rail Road connecting with that hereby authorized, such other Company being subject to all the provisions of the seventh and eighth sections of this Act as to rates of toll, and all other particulars enumerated in said sections.

Obligation to keep Rail Road in repair, and convey passengers, &c.

Penalty for wilful injuries to the Corporate property.

XIV. And be it enacted, That if any person shall wilfully and maliciously or wantonly, and contrary to law, obstruct the passage of any carriage on said Rail Road, or in any way spoil, injure or destroy said Rail Road or any part thereof, or of any of its branches, or anything belonging thereto, or any material or implements to be employed in the construction or repair or for the use of the said Rail Road and branches, he, she or they, or any person or persons assisting, aiding or abetting such trespass, shall profit and pay to the said Corporation for every such offence, treble such damages as shall be proved before the Justice, Court or Jury before whom

the

the trial shall be had, to be sued for before any Justice, or in any Court proper to try the same, by the Treasurer of the Corporation, or other officer whom they may direct, to the use of the Corporation; and such offender or offenders shall be liable to indictment by any Grand Jury of the County of Charlotte, or of any County within which such trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any Court competent to try the same, shall pay a fine not exceeding one hundred pounds to the use of the Province, or may be imprisoned in the Provincial Penitentiary and kept to hard labour for a term not exceeding five years, at the discretion of the Court before whom such conviction may be had.

XV. And be it enacted, That the annual meeting of the said Corporation shall be holden on the last Wednesday in July, or such other day as shall be determined by the bye laws, at such time and place as the Directors for the time being shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor, by himself or proxy, being entitled to as many votes as he holds shares; and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their bye laws shall direct.

Annual meeting to be held on the last Wednesday in July or at time appointed by the bye laws.

XVI. And be it enacted, That the Legislature shall at all times have the right to inquire into the doings of the Corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said Corporation, and to require returns of profits and expenditure, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said Corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities, or obligations; and this Charter shall not be revoked, annulled, altered, limited or restrained without the consent of the Corporation, except by due process of law.

Inquiry into the doings of the Corporation may be made by the Legislature.

XVII. And be it enacted, That if the State of Maine shall, in any legal way and manner, constitute this Company a Company within its limits and jurisdiction, this Company is hereby authorized and empowered to exercise, within said limits and jurisdiction of such State, all the rights and powers, and shall have and enjoy all the privileges and immunities which it could have, exercise or enjoy within this Province.

Corporate powers may be exercised within the State of Maine, if authorized by that State.

XVIII. And be it enacted, That the said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall and they are hereby empowered to make and complete the said Railway, from the Upper Mills in the Parish of Saint Stephen, in the County of Charlotte, in this Province, to the mouth of Dennis Creek, within five years from the passing of this Act, and complete the remaining part of the said Railway, from Dennis Creek to the Ledge, or to Oak Point, in the said Parish, within ten years from the passing of this Act; and if the same shall not be so made and completed within the period before mentioned, so as to be used for the conveyance and carriage of passengers, goods, chattels, wares and merchandise thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

If Rail Road be not completed within ten years, this Act to be void.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XII.

An Act to authorize the Governor and Trustees of the Madras School in New Brunswick to sell and dispose of certain Lands in the City of Fredericton, and for other purposes.

Passed 28th March 1851.

**WHEREAS** in consequence of the destruction by fire of the Madras School House in the City of Fredericton, it has become necessary to sell and dispose of a part of lots numbers eighty five and eighty seven, situate in King's Street, in the City of Fredericton, for the purpose of procuring funds to aid in rebuilding another School House;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Governor and Trustees of the Madras School in New Brunswick be and they are hereby authorized to sell and dispose of by public or private sale, any part of the lots numbers eighty five and eighty seven, which are situate in King's Street, in the City of Fredericton, for such price or prices as they may be able to obtain for the same, and for that purpose to make and execute to the purchaser or purchasers good, legal and sufficient conveyances of the same in fee, any former law to the contrary thereof notwithstanding; and that the money arising from such sale shall be paid and applied by the said Governor and Trustees towards the building of a Madras School House in the City of Fredericton, and to no other purpose whatsoever.

Sale of any part of lots 85 and 87, in the City of Fredericton, authorized.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to appoint five fit persons, being inhabitants of the City of Saint John, additional Trustees of the Board of the Governor and Trustees of the Madras School in New Brunswick; and in case of any vacancy occurring by the death, removal or resignation of any of the said five Trustees, the said Governor and Trustees, at any meeting of the said Corporation, shall elect another fit person, being an inhabitant of the said City, to fill such vacancy, who being approved of by the Lieutenant Governor or Administrator of the Government for the time being, shall be one of the Trustees of the said Corporation; and every other vacancy in the said non-official members of the said Board so to be appointed under this Act, shall be filled from time to time in the same manner.

Lieut. Governor in Council may appoint five inhabitants of Saint John to be additional Trustees of the Board.

Vacancies to be supplied by an election by the Board and approval of the Lieutenant Governor.

FREDERICTON, N. B. :

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XIII

An Act to incorporate the Orthodox Congregational Church at Milltown, in the Parish of Saint Stephen.

Passed 28th March 1851.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That George M. Porter, William Todd, Junior, Henry F. Eaton, Joseph E. Eaton, Edward Foster, Daniel Tyler, James G. Kimball, William E. M'Allister, Joshua Allen, John M'Adam, Thomas Bowser, Stephen H. Hitchings, and such other male persons as are or may become members of the Church hereinafter named, being communicants in the same, be and they are hereby created and declared to be a Body Politic and Corporate in deed and name, and shall have succession for ever, by the name of *The First Orthodox Congregational Church in Saint Stephen*, and by that name shall be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of Law or Equity, or any other places whatsoever, and shall have full power and capacity to purchase, convey, receive, take, hold and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements and hereditaments, and improve and use the same for the benefit of the said Church, and shall have all the other general powers and privileges not hereinbefore mentioned and contained, made incident to a Corporation by Act of Assembly of this Province: provided always, that the amount of annual rents, profits and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of five hundred pounds.

Parties named and others incorporated by the name of *The First Orthodox Congregational Church in Saint Stephen.*

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FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XIV.

An Act to incorporate the Northumberland Straits Fishing Company.

Passed 30th April 1851.

**WHEREAS** the establishment of a Fishery on the Northumberland Straits, Preamble.  
'adjoining the Shores of this Province, will be productive of great advantage to the Public, and tend to promote and extend both its commercial and agricultural resources: And whereas it is deemed expedient to incorporate a Company for the purpose of managing such Fishery;'

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Joseph Avard, George Oulton, John Bent, and Alexander Munro, Esquires, William L. Trueman, William Silliker, Jacob Silliker, John Munro, James Munro, Joseph Harper, William Henry Buckerfield, and Thomas Edwin Oulton, and all and every person or persons who shall from time to time become proprietors of shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a Body Corporate, by the name of *The Northumberland Straits Fishing Company*, and by that name shall have perpetual succession and a Common Seal, and shall and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, and have and enjoy all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of carrying on such Fishery. Company incorporated by the name of The Northumberland Straits Fishing Company.

II. And be it enacted, That the capital stock of the said Corporation shall be twenty thousand pounds, to be divided into two thousand shares of ten pounds each; and such shares shall be deemed and taken to be personal estate, and transferrable and distributable as personal estate is transferrable and distributable by the Laws of this Province. Capital stock to be £20,000. Shares to be personal property.

III. And be it enacted, That the first meeting of the Corporation shall be called by Alexander Munro, Esquire, when and as soon as four hundred shares of the stock of and in such Corporation shall have been taken and subscribed for; and in case of his death or refusal to act, by any two of the abovenamed corporators, after ten days notice in writing, in some Newspaper published in the City of Saint John, for the purpose of organizing such Corporation; which meeting shall be held at the time and place mentioned in such notice. First meeting for the organizing of the Company.

IV. And be it enacted, That at such meeting or at any subsequent meeting to be held for that purpose, five Directors, owning respectively five or more shares in the said Corporation, shall be elected; which Directors, or any three of them, at their first Five Directors to be appointed; who may elect a President, and manage the business of the Company.

first meeting after such election, shall choose one of their number to be President of the Company, and shall serve until the first annual meeting of the said Company for the choice of Directors, or until others shall be elected in their stead; and such President and Directors shall have full power and authority to manage the affairs of the said Corporation, three being a quorum, subject to the bye laws and regulations which may from time to time be made by the said Corporation.

An annual general meeting to be held in June, when Directors are to be chosen.

V. And be it enacted, That a general meeting of the shareholders in the said Corporation shall be annually holden in the month of June at such place as shall be appointed at any previous meeting, or in default of such appointment, at Bay Verte, in the County of Westmorland; at which annual meeting, or at any adjournment thereof, there shall be chosen of the said shareholders five Directors, who shall continue in office for one year, or until others shall be appointed in their stead, and shall at their first meeting choose a President as aforesaid, who shall have a casting vote in case of equality at all meetings of such Directors.

Special meetings may be called by three or more of the shareholders.

VI. And be it enacted, That it shall and may be lawful for any three or more of the shareholders in the said Corporation, by writing under their hands, to call a special meeting of the said Corporation, the purpose or object, place, day and hour of which meeting shall be stated in such writing, and twenty days notice thereof shall be given by public advertisement in some Newspaper published in the City of Saint John, and also by Circular addressed by the Secretary to every shareholder, and sent by Post to his or her last known place of abode; and that all proceedings at such special meeting so called shall be as valid and effectual as if taken at any general annual meeting as aforesaid.

Directors may appoint a Secretary, Treasurer, and other officers, and Sub-Committees.

VII. And be it enacted, That the Directors for the time being shall have power to appoint a Secretary and Treasurer, and such other officers, and also such sub-committee or sub-committees as they or the major part of them shall think necessary, and shall allow such remuneration as they shall think proper for their services; and the Directors shall exercise such powers and authorities for regulating the affairs and managing the business of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

Every owner of a share or shares to be a member of the Corporation, and entitled to give as many votes as he may own shares.

VIII. And be it enacted, That every person owning a share in the said Corporation shall be a member thereof, and be entitled to vote at all meetings of the said Company, and members may give as many votes as they own shares, and absent members may vote by proxy, such proxy being in writing under the hand of such member; provided that at all meetings, whether of shareholders or directors, all questions shall be decided by a majority of votes, the President or Chairman having a casting vote in case of equality of votes.

Joint property to be alone responsible for its debts and engagements.

IX. And be it enacted, That the joint property or stock of the said Corporation, whether real or personal, shall alone be liable for its debts or engagements, and that no individual proprietor shall be or become answerable or accountable by any ways or means for any other or greater sum of money than the amount of shares or stock which he shall actually and *bona fide* possess in the capital stock of the said Corporation.

Shares may be assessed for the purposes of the Company.

X. And be it enacted, That the President and Directors may from time to time assess upon each share such sum or sums of money as shall be judged by them to be necessary for the purposes of the said Company, and appoint the same to be paid at such time or times, and by such instalments, as they may think proper, not exceeding in the whole the sum of one pound in respect of each share; provided that notice of such instalment shall be given by the Secretary in some two Newspapers published respectively in Saint John and in London, and also by Circular sent to each proprietor by Post, addressed to his or her last known place of abode, at least

Notice of assessment to be given.

least twenty days before the day appointed for such payment; and in case of default in payment for the space of thirty days after the time appointed for such payment, the said Directors are hereby empowered to sue for and recover the same, or to declare such shares so in arrear forfeited, and to sell the same to the highest bidder, and apply the produce of such sale to the discharge of any instalment then due, with interest thereon; and the transfer or assignment of the said Directors under the Common Seal of the said Company shall be good and valid to all intents and purposes whatsoever.

Delinquent shares may be forfeited and sold.

XI. And be it enacted, That the said Company shall and may take, purchase and hold any lands, tenements or hereditaments in fee simple or otherwise, not exceeding in the whole five thousand acres, and also any moneys, securities for money, mortgages, ships, vessels, or shares in any ships or vessels, shares or stock in any Company, or other property whatsoever; and shall and may have full power and authority at any general meeting, whether annual, special or adjourned, to make and establish such bye laws and regulations as may be necessary for the management and ordering of the business of the said Company, and of the affairs and business thereof; and also respecting the making calls on the shares therein, the transfer and registry of such shares, and all other matters and things in any way concerning the said Corporation and the management thereof, and of the Fishery intended to be established as aforesaid, provided that no such bye law shall be contradictory or repugnant to the laws of this Province; provided also, that no such bye law shall have any power or effect until it shall have been submitted to and approved by the Lieutenant Governor in Council, and published in the Royal Gazette.

Company may possess lands, moneys, securities, ships, shares in any Company or property;

May make bye laws for the management of their business.

Bye laws to be approved by the Governor in Council.

XII. And be it enacted, That in the event of five hundred shares in the said Company being taken and subscribed for in England, it shall be lawful for the proprietors resident therein to choose four Directors from their own body, at a meeting to be held for that purpose, to be convened by public notice in some London Newspaper; and that such four Directors resident in England shall have such and the same powers and authorities as are hereby conferred upon the five Directors hereinbefore mentioned; provided that nothing herein contained shall affect, alter or abridge the power of the shareholders in England, as members of the said Corporation; provided also, that after the election of such four Directors, no call shall be made on the shareholders for any instalment on their shares, without the assent of three of such last mentioned Directors at some meeting to be held for that purpose; and that after such election, all the bye laws, regulations and other proceedings, (except proceedings at any general meeting of shareholders) shall require the sanction and assent of at least five out of the nine Directors of the said Company, wherever resident, either at some meeting of the said Directors, or signified by writing under their hands, approving the resolutions of any previous meeting.

If 500 shares be taken in England, the proprietors there may choose four Directors resident there.

Their powers.

No calls for instalments on shares to be made without the assent of three such Directors.

Bye laws and proceedings, other than those of any general meeting, to have the sanction of five out of the nine Directors.

XIII. Provided always, and be it enacted, That 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, verified on oath by the said Directors or any three of them, (which oath any Justice of the Peace is hereby required to administer,) shall be filed in the Office of the Secretary of the Province before the expiration of three years from the passing of this Act, the operation of this Act shall cease, and the existence of the said Corporation terminate at the end of the said three years; provided always, that so soon as the whole of the said capital stock shall have been paid in for the purposes of the said Company, it shall be lawful for the said shareholders, at any general meeting to be called for that purpose, to increase the said capital stock from time to time as they shall judge expedient, to any sum not exceeding thirty thousand pounds.

Act to be void if one fifth of the capital stock be not paid up, and certificate filed in the Office of the Provincial Secretary, within three years.

Capital may be increased to £50,000.

**FREDERICTON, N. B.:**

**J. SIMPSON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.**



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XV.

An Act to incorporate the Musquash and Digdeguash Brook River Driving Company.

Passed 30th April 1851.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That William Porter, Daniel Hill, Ninian Lindsay, John Macadam, Japhet Hill M'Allister, James Porter, and George M. Porter, their associates and successors, shall be and they are hereby constituted a Body Corporate, by the name of *The Musquash and Digdeguash Brook River Driving Company*, and shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing and improving the said Brooks or Rivers to facilitate the driving of logs and timber thereon.

Company incorporated by the name of *The Musquash and Digdeguash Brook River Driving Company*.

II. And be it enacted, That 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 such and so much of the public lands as shall be necessary for constructing sluices, erecting dams, and making such other improvements on the said Brooks or Rivers as may be required to facilitate the driving of logs and timber thereon.

Company empowered to enter on and occupy public lands.

III. And be it enacted, That the said Company, or such person or persons as they shall from time to time appoint as toll collectors, are hereby authorized 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 or Rivers 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 authorized not to permit the passage of any timber, saw logs, or other lumber, until the tolls fixed by the Company, 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 or Rivers so improved, and 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.

Tolls may be demanded for lumber, &c. passing along the improved portions of the Brooks or Rivers.

Rate of tolls to be confirmed by the General Sessions of York.

IV. And be it enacted, That the capital stock of the said Corporation shall be five hundred pounds of the current money of the Province of New Brunswick, and shall be divided into forty 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; provided that twenty five per centum of the capital stock of the said Company, amounting to one hundred and twenty five pounds, shall be actually paid in and

Capital to be £500, payable as herein specified.

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.

First meeting for making bye laws, choosing Directors and other officers.

V. And be it enacted, That the first meeting of the said Corporation shall be held at Saint Stephen, and shall be called by William Porter, 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 five hundred 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.

Capital stock may be increased.

Annual general meeting for choosing Directors and other officers to be held on the first Monday in April.

VI. And be it enacted, That a general meeting of the stockholders of the said Corporation shall be held on the first Monday of 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 said 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.

Qualification of Directors.

VII. And be it enacted, That 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.

Each share of stock to be entitled to one vote.

VIII. And be it enacted, That 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 stockholders are to be given, shall be in proportion of one vote for each share of the stock, and that absent stockholders may vote by proxy, provided such proxy be a stockholder and produce sufficient authority in writing.

Absent stockholders may vote by proxy.

Shares to be assignable.

IX. And be it enacted, That 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; that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; that 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.

Directors may be chosen at any other meeting, if not chosen at the annual meeting on first Monday in April.

X. And be it enacted, That 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

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 intermediate vacancies.

XI. And be it enacted, That 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 that 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, that then and in either such cases 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.

Liability of stock and stockholders for the debts of the Corporation.

XII. And be it enacted, 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 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.

Shareholders to be liable for calls or assessments made on the subscribed stock.

XIII. And be it enacted, That 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.

Shares to be numbered, and shareholders to get certificates.

XIV. And be it enacted, That 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

Company may assess the shares for the business of the Corporation.

Notice to be given.

On default in payment, shares may be sold.

delinquent shares for sale 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.

Special meetings  
may be called.

XV. And be it enacted, That 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.

Act to be void if  
25 per cent. of  
capital be not paid  
up, and certificate  
filed, within three  
years.

XVI. 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 be terminated at the end of the said three years.

Limitation.

XVII. And be it enacted, That 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 five.

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FREDERICTON, N. B.:

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XVI.

An Act to incorporate the Upham Agricultural Society.

Passed 30th April 1851.

**W**HEREAS John Hagarty, John Titus, James Titus, Jonathan Titus, Ammon Fowler, Weden Fowler, James R. Fowler, Richard Bickford, Humphrey Smith, Adam Marchbank, William Sherwood, William Scott, Nicholas P. Wannamak, and other inhabitants of the Parish of Upham, in King's County, have formed themselves into a Society for the promotion of the science of Agriculture in the said Parish; and it would be more beneficial to the interests of the Society, and enable them more effectually to carry out the intentions and promote the objects thereof, if the said Society were incorporated;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Hagarty, John Titus, James Titus, Jonathan Titus, Ammon Fowler, Weden Fowler, James R. Fowler, Richard Bickford, Humphrey Smith, Adam Marchbank, William Sherwood, William Scott, Nicholas P. Wannamak, and all such persons who may now or may hereafter be admitted members of the said Society, their associates and successors, be and they are hereby erected into a Body Corporate, under the name and style of *The Upham Agricultural Society*, for the purposes of promoting and encouraging Agriculture, rural and domestic economy and industry within the said Parish, and shall have and enjoy all general powers incident to Corporations by Act of Assembly of this Province.

Company incorporated by the name of *The Upham Agricultural Society*.

II. And be it enacted, That there shall be a general meeting of the said Society or Corporation to be annually holden on the third Saturday in October in each and every year, at James Wannamak's, in the said Parish of Upham, at which annual meeting there shall be chosen one President, two Vice-Presidents, a Treasurer and Secretary, who shall continue in office for one year, or until others are appointed in their room, in the choice of which each member of the said Corporation shall have one vote for each of the aforesaid offices.

Annual meeting to be held on the third Saturday in October, when office bearers shall be chosen.

III. And whereas at a general meeting of the members of the Society hereby incorporated, one President, two Vice-Presidents, a Treasurer and Secretary were elected by the votes of the said members for the current year; Be it therefore enacted, That the said officers so elected as aforesaid are hereby declared to be the officers of said Society or Corporation until the third Saturday in October next, or until others are chosen in their stead.

Office bearers already elected to be the office bearers till others are chosen.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XVII.

An Act to incorporate the County of Kent Agricultural Society.

Passed 30th April 1851.

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

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That J. G. G. Layton, John Carruthers, D. M'Almon, John Main, J. C. Wheton, C. W. Weldon, Honorable John W. Weldon, David Wark, W. Brait, John Clark, Thomas Johnson, William Doherty, William M'Leod, L. P. W. Desbrisay, George Pagan, Lawrence M'Larren, John Power, Edward Powell, J. R. Creelman, Sylvanus Powell, Thomas Stennison, John Potter, James Mooney, John Mooney, and James M'Phelim, their associates and successors, be and they are hereby declared to be a Body Corporate, under the name and style of *The County of Kent Agricultural Society*, for the encouragement of Agriculture, and for this purpose shall have and enjoy all the powers made incident to Corporations by an Act of the General Assembly of this Province made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to prescribe certain general regulations in respect to Corporations*. Company incorporated by the name of The County of Kent Agricultural Society.

II. And be it enacted, That there shall be a general meeting of the said Corporation annually holden on the second Monday in January in each and every year, at Richibucto, in the said County, at which meeting there shall be chosen by a majority of the members, one President, two Vice Presidents, one Treasurer, two Secretaries, and twelve Directors, who shall continue in office one year or till others are chosen in their room, in the choice of which each member of the Corporation shall have one vote for each of the aforesaid officers. An annual meeting to be held on the second Monday in January, when office bearers shall be chosen.

III. And be it enacted, That the officers chosen at a general meeting of the said Society, holden at Richibucto aforesaid, on the second Monday in January last, be and they are hereby declared to be the officers of the said Society or Corporation till the second Monday in January next, or till others are chosen in their stead. Office bearers already elected to continue in office till others are chosen.

FREDERICTON, N. B.:

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





BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XVIII.

An Act to incorporate the Sussex and Studholm Agricultural Society.

Passed 30th April 1851.

**6** WHEREAS Alleyn C. Evanson, John H. Ryan, Matthew M'Leod, George Ryan, John King, Senior, Daniel Sheik, and Richard Roach, Esquires, and Mr. James Roach, James Secord, Hugh M'Monagle, and James Macky, and others, inhabitants and proprietors of land in the said Parishes of Sussex and Studholm, in King's County, have formed themselves into a Society for the promotion and advancement of the science of Agriculture, which said Society has since the year one thousand eight hundred and forty one been in active and useful operation: And whereas the said Society, from not having been incorporated, has suffered much inconvenience, and has in consequence thereof been unable to carry out the objects of the Society in an efficient manner;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That Alleyn C. Evanson, John H. Ryan, Matthew M'Leod, George Ryan, John King, Senior, Daniel Sheck, James Secord, Hugh M'Monagle, and James Macky, 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 Sussex and Studholm Agricultural Society*, for the purpose of promoting and encouraging Agriculture and rural economy within the said Parishes, and for these purposes shall have and enjoy all general powers made incident to Corporations by the Acts of the General Assembly made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, and an Act made and passed in the twelfth year of the Reign of Her present Majesty Queen Victoria, chapter thirty five, for the encouragement of Agriculture.

Society incorporated under the name of *The Sussex and Studholm Agricultural Society*.

II. And be it enacted, That there shall be a general meeting of the said Corporation to be annually holden on the first Tuesday in November in each and every year, at Sussex or Studholm, in King's County; at which annual meetings there shall be chosen by a majority thereof, one President, two Vice Presidents, two Secretaries, a Treasurer, and thirteen Committee men, who shall continue in office for one year, or until others are chosen in their room, in the choice of which each member shall have one vote for each of the aforesaid officers.

A general annual meeting to be held on first Tuesday in November, when office bearers shall be elected.

III.

Office bearers  
already elected to  
remain in office till  
others are chosen.

III. ' And whereas at a general meeting of the members of the Society hereby  
' incorporated, held at Sussex, in King's County aforesaid, one President, two  
' Vice Presidents, two Secretaries, a Treasurer, and thirteen Committee men were  
' elected by the votes of the said members for the current year ;' Be it therefore  
enacted, that the said officers, so elected as aforesaid, are hereby declared to be  
officers of the said Corporation until the first Tuesday in November next, or until  
others be chosen in their stead.

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FREDERICTON, N. B. :

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



BY AUTHORITY.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

CAP. XIX.

An Act to incorporate the Grand Lake, Queen's County, Agricultural Society.

*Passed 30th April 1851.*

**6** WHEREAS John Earle, George W. Hobin, Thomas Cox, John Marshall, Gideon D. Bailey, David N. Hanselpecker, Ezekiel Stone, Stephen Thorne, and other inhabitants and land owners in the Parishes of Canning, Waterborough and Chipman, in Queen's County, have formed themselves into a Society for the promotion and improvement of Agriculture in said Parishes, and it would be more beneficial to the interests of said Society, and enable them more effectually to carry out the intention and promote the object thereof, if the said Society were incorporated;

*Society incorporated by the name of The Grand Lake, Queen's County, Agricultural Society.*

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Earle, George W. Hobin, and the Directors, and all other persons who are now or who 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 Grand Lake, Queen's County, Agricultural Society*, for the purpose of promoting and encouraging Agriculture, and rural and domestic economy and industry within the said Parishes, and for these purposes shall have and enjoy all general powers made incident to Corporations by Act of Assembly of this Province.

II. And be it enacted, That there shall be a general meeting of the members of said Corporation to be held annually at or near George W. Hobin's, in the said County, on the second Tuesday in October, at which annual meeting there shall be chosen nine Directors, which said Directors, when so elected, shall choose from their body one President, two Vice Presidents, and shall also appoint a Secretary and Treasurer from among the members of the said Society; which said officers when so chosen and appointed, shall continue in office for one year or until others are chosen and appointed in their room, in choice of which Directors each member shall have one vote for each Director.

*A general annual meeting to be held on the second Tuesday in October, when Directors are to be chosen.*

*Directors to choose a President, two Vice-Presidents, a Secretary and Treasurer.*

FREDERICTON, N. B.:

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

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