

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

Additional comments / Commentaires supplémentaires:

Pagination is as follows: p. [1], [9]-235, [i]-iv, [i]-iv, [i]-vii.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

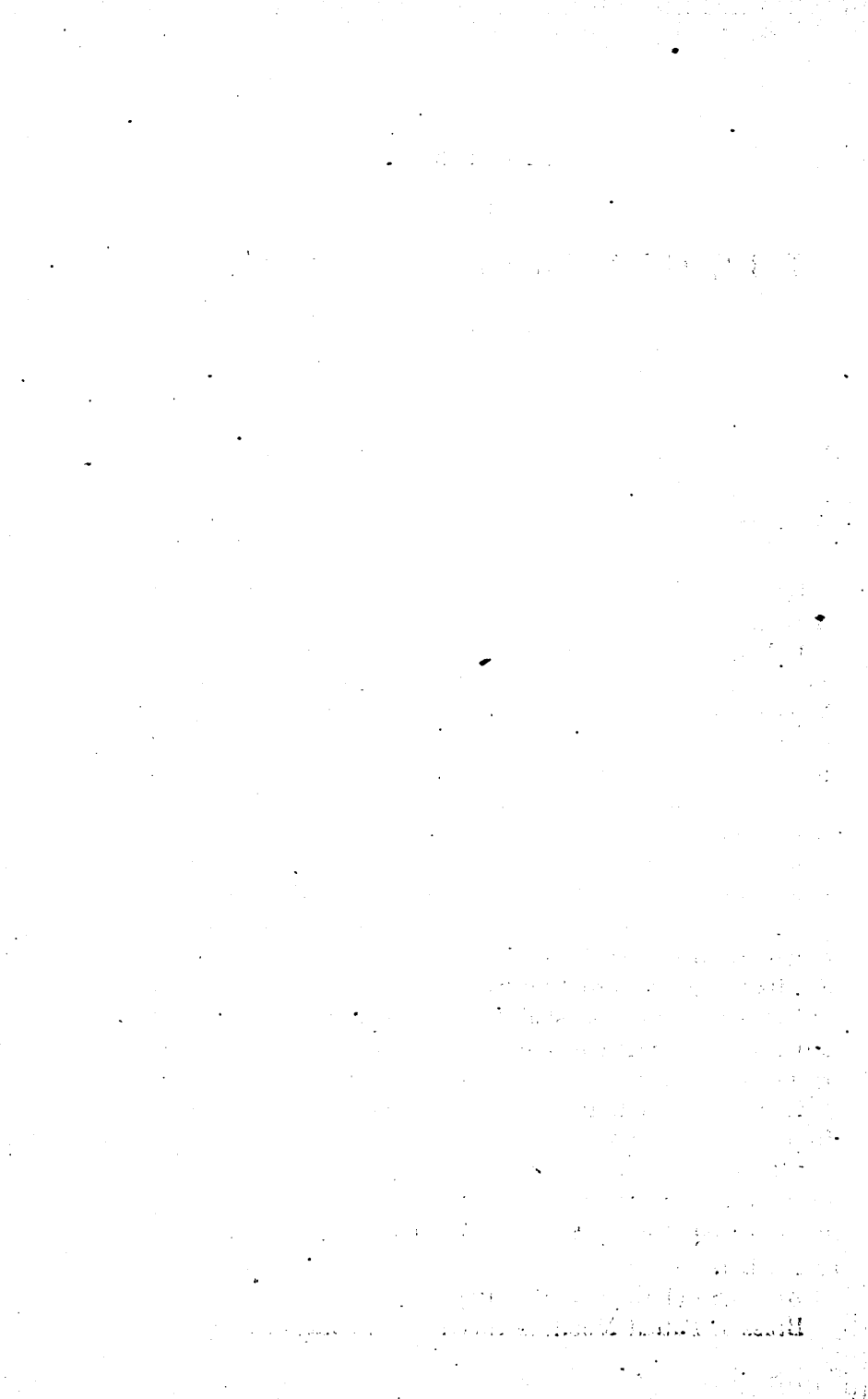
This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

10x	12x	14x	16x	18x	20x	22x	24x	26x	28x	30x	32x
						✓					

ACTS
OF
THE GENERAL ASSEMBLY
OF
HER MAJESTY'S PROVINCE
OF
NEW BRUNSWICK,
PASSED
IN THE MONTH OF JUNE 1867.



FREDERICTON :
G. E. FENETY, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.
1867.



ACTS

OF

THE GENERAL ASSEMBLY.

30° VICTORIA, A. D. 1867.

CAP. I.

An Act to amend the Law relating to the imposition of Duties for raising a Revenue.

Section

1 Imposes additional duty on rum, alcohol, &c.

Section

2 Table of Exemptions.

3 Limitation.

Passed 10th June 1867.

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

1. Instead of the Duty imposed by an Act made and passed in the thirtieth year of the Reign of Her present Majesty, intituled *An Act relating to the imposition of Duties for raising a Revenue*, upon Rum, Alcohol, and all other Spirits not enumerated in the Act to which it is an amendment, there shall be collected and paid unto the Queen, for the use of the Province, upon all such Rum, Alcohol, and other Spirits not therein enumerated, brought into the Province from any part of the British Empire or Foreign place, being either below proof or of the strength of proof of Sykes' Hydrometer, 70 cents per gallon; and for all such Spirits being over proof by Sykes' Hydrometer, such Duty of 70 cents per gallon shall be increased in proportion for any greater strength as may be indicated by the said Hydrometer, per gallon.

2. Notwithstanding the provisions of any Act in force imposing Duties for raising a Revenue, or to levy an impost for Railway purposes, the following goods, wares, and merchandise, shall be imported into the Province free, and be exempt from the payment of any Duty whatever, viz:—

Anchors.

Acid—Sulphuric and Muriatic.

Brass or Patent Metal, in sheets, bars, bolts, or scraps.

Barilla.
 Barley.
 Chain Cables, and other Chains.
 Canvas under No. 6.
 Coals.
 Copper, in sheets, bars, bolts, and scraps.
 Corn Broom Brush.
 Furs, Skins and Tails of all kinds.
 Guano.
 Hemp.
 Hides, green, dried, salted, and cured.
 Ink—Printers'.
 Junk.
 Iron, in pigs, bolts, bars, and sheets, and Railway Rails
 and Chairs, and fastenings for Railway Rails.
 Marble in its crude and unwrought state.
 Mahogany, rough timber, or sawn.
 Manilla, unmanufactured.
 Manures of all kinds.
 Pelts.
 Rags.
 Slate—Roofing.
 Salt.
 Soda Ash.
 Steel, in bars and sheets.
 Tin—Block and Plate.
 Tobacco, unmanufactured.
 Zinc, in pigs and sheets.

3. This Act shall continue and be in force during the time the said recited Act to which it is an amendment continues, or until altered by the Parliament of Canada.

CAP. II.

An Act relating to the Export Duty on Lumber.

Section	Section
1 Governor in Council to make arrangements for collection of Duty, and allow Commission.	2 Officers appointed.
	3 Moneys to be paid to Receiver General, and Bonds given.
	4 When Act to be in force.

Passed 10th June 1867.

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

1. The Governor in Council may make arrangements with the Government of Canada for collecting the Duty imposed by Chapter 15, Title III, of the Revised Statutes, 'Of the Export Duty on Lumber,' and for giving full effect to the provisions of that Act, and also the Act continuing and perpetuating the said Act, and may allow such Commission as may be deemed advisable on the amount of Revenue collected by any person whose duty it shall be to collect it, or who may be appointed for that purpose.

2. The Governor in Council may appoint in any or every Port of Shipment a person to collect the Duty imposed by the said recited Act; who shall for the purposes of this Act be deemed to be the proper officer of the Treasury Department referred to in the said recited Act.

3. Every person appointed to collect the said Duty shall pay over and account for all moneys he shall collect or receive to the Receiver General or other officer appointed to receive the same, at such time or times and in such manner as the Governor in Council shall prescribe, and he shall give a bond to the Queen, with one or more sufficient sureties, conditioned for duly accounting for all money he shall collect or receive, and for the faithful discharge of his duty, in such form and in such sum as the Governor in Council may prescribe.

4. The Governor in Council shall by Proclamation declare the time when this Act shall come into operation and be in force.

CAP. III.

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

Section
1 Moneys granted.

Section
2 Payable by Warrant.

Passed 10th June 1867.

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

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

A sum not exceeding nineteen thousand two hundred and seventy five dollars, to provide for the Officers and contin-

gent expenses of the Legislature, including the Legislative Library, and Printing.

A sum not exceeding five hundred and forty dollars, to provide for the Clerk of the Crown and Ushers of the Supreme Court and Court of Equity and Chambers.

A sum not exceeding nineteen thousand four hundred and twenty two dollars, to defray the expenses of the collection and protection of the Revenue, and of the Controller of Customs' Department.

A sum not exceeding fifteen thousand three hundred and eighty dollars, to provide for certain educational purposes.

A sum not exceeding two thousand eight hundred dollars, for the expenses of the Provincial Penitentiary.

A sum not exceeding twenty thousand dollars, to provide for the expenses of the Lunatic Asylum.

A sum not exceeding twelve hundred dollars, for the relief of Indians.

A sum not exceeding thirty thousand dollars, to meet the expenses of Militia, the apprehension of Deserters, and housing of Her Majesty's Troops.

A sum not exceeding fourteen thousand four hundred dollars, to meet any deficiency of Revenue in the Post Office Department.

A sum not exceeding six hundred dollars, to pay the salary of the Emigration Officer and contingencies of his office.

A sum not exceeding four hundred dollars, to provide the usual allowance to certain old Soldiers of the Revolutionary War, their Widows, and others.

A sum not exceeding six thousand dollars, to meet unforeseen expenses during the current year.

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

CAP. IV.

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

Section	Section
1 Money granted.	6 When money to be expended.
2 By whom to be expended; duty of Commissioners; how to account.	7 Expenditure on alterations.
3 Commissioners appointed by Municipalities, how to account.	8 Commissioners to give Bonds.
4 Money paid by Warrant.	9 No defaulter to be Commissioner; if elected, Governor to appoint others.
5 Commission.	10 Commissioners to give Bonds.

Passed 10th June 1867.

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

1. There shall be granted to the Governor, the sum of money hereinafter mentioned, to provide for the improvement of the Roads and Bridges, and other Public Works and Services, a sum not exceeding one hundred and fifty two thousand five hundred dollars, to provide for the repairs of the Great and Bye Roads of the Province, and for Bridges thereon, for the repairs and maintenance of the Public Buildings, and for Steam Navigation.

2. The said sum of money, and every part thereof, shall be expended under the direction of the Board of Works, and of such Supervisors and Commissioners as the Governor in Council may appoint, and shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the several Roads, Bridges, and Works, or in furnishing materials therefor, at the most reasonable rate that such labour and materials can be provided, where such sums are expended on Roads, Bridges, or Works; and every Commissioner so to be appointed shall, as early in the season as may be, carefully examine the part of the Road where any sums of money are to be expended, and shall lay out and mark off such allotment or allotments as may conveniently be contracted for, in order that the making and 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 of the neighbourhood where the work is to be done, which notices shall specify and describe the work to be performed, and also the place, day and hour when and where the same will be let by auction as aforesaid; and it shall further be the duty of such Commissioners respectively, to attend personally at the time and place so appointed, and there to let out to the lowest bidder such allotment, or allotments, and at the same time to enter into written contracts for the faithful performance of the work in the time and manner set forth in such contracts; and in cases where the work required to be performed cannot be conveniently let at auction, it shall be the duty of the

Commissioners to agree with fit and proper persons to perform the same by day's labour, provided that in no case shall more than one quarter part of any grant be so expended; and the said Commissioners shall severally keep an exact account of such moneys, and shall produce receipts in writing of the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payment, and render an account thereof, in duplicate, upon oath, which oath any one of the Justices of the Peace in the several Counties is hereby authorized to administer; one copy of which, with vouchers, to be transmitted to the Secretary's Office on or before the first day of December next, to be laid before the General Assembly at the next Session, and the other copy to be filed in the Office of the Clerk of the Peace in their respective Counties, for public information.

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

4. The beforementioned sums of money shall be paid by the Treasurer out of the moneys in the Treasury, or as payment may be made at the same, by Warrant of the Governor in Council.

5. The said Commissioners entrusted with the expenditure of the several and respective sums of money shall, for their time and labour, be allowed to retain at and after the rate of five per centum out of the said moneys so entrusted to them respectively.

6. The said Commissioners for the expenditure of money on Roads and Bridges, shall expend the said several and respective sums of money on the Roads on or before the first day of September; 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 September, when it shall be necessary to expend the same for building bridges, removing rocks, stumps, trees, or other obstructions.

7. None of the beforementioned sums of money, or any part thereof, shall be laid out or expended on the making or

improving any alteration that may be made in any of the said Roads, unless such alterations shall have been first laid out and recorded.

8. Every person who may be appointed a Commissioner for the expenditure of money hereinbefore granted, before entering upon the duties of his office, shall enter into a bond to Her Majesty, Her Heirs and Successors, to the satisfaction of the Governor in Council, for the due performance of his duty as such Commissioner, and the faithful expenditure of and due accounting for such moneys as shall come into his hands as such Commissioner.

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

10. In case of a vacancy by death of any Commissioner elected to expend money on the Bye Roads, the Governor in Council shall appoint a Commissioner to fill such vacancy.

CAP. V.

An Act relating to the office of Receiver General.

Section

- 1 Governor in Council to appoint.
- 2 Security to be given.
- 3 Duty of officer.

Section

- 4 Salary.
- 5 Accounts to be filed and books kept.
- 6 When and how long Act to be in force.

Passed 10th June 1867.

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

1. The Governor in Council may appoint a Receiver General, who shall hold office during pleasure.

2. He shall give a Bond to the Queen in the sum of twenty thousand dollars, with two sureties in ten thousand dollars each, conditioned for the faithful discharge of the duties of his office.

3. It shall be his duty to receive all the Revenue collected in or paid to the Province from every source whatever, and pay out such Revenue on the Warrant of the Governor.

4. He shall receive such annual salary, not exceeding sixteen hundred dollars, as the Governor in Council may determine, beside the necessary contingencies of office, payable quarterly by Warrant of the Governor.

5. The Governor in Council may direct what Accounts shall be filed in the Office of the Receiver General, and in what form the Books shall be kept, and which of such Books shall be open to inspection, and by whom, and under what circumstances.

6. The Governor in Council shall by Proclamation declare the time when this Act shall come into operation and be in force, and when so in force it shall continue for one month after the end of the next Session of the Legislature thereafter, and no longer.

CAP. VI.

An Act to facilitate the construction of certain Railways.

Section.

- 1 Government subscription for stock authorized.
- 2 When to be paid up.
- 3 How disposed of.
- 4 Governor to appoint Director.

Section.

- 5 Railway to continue property of Company.
- 6 Subsidy to Branch line.
- 7 Issue of Debentures.
- 8 Sinking fund.

Passed 10th June 1867.

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

1. Whenever the European and North American Railway Company for extension from Saint John westward, shall make it appear to the satisfaction of the Governor in Council that the stock of the said Company has been actually subscribed and taken by *bona fide* shareholders, to the extent of five hundred thousand dollars, including the stock already subscribed and taken, the Governor in Council may authorize the Receiver General or other person appointed to collect, receive and pay the Revenue of the Province, to subscribe for stock in the said Company, for and on behalf of this Province, to the amount of three hundred thousand dollars.

2. The amount of the stock so subscribed shall be paid up from time to time as calls are made, only that it is expressly declared that no greater amount shall at any time be called for or paid thereon than at the rate of thirty three and one-third per centum of the total expenditure at the time of such call, on the road, the location of which has been approved by the Governor in Council.

3. That no part of the said stock held by the Province shall be sold for less than par, until after the expiration of ten years; but at the expiration of ten years, the said stock and all the interest of the Province in the said Company, may be sold and disposed of, and the proceeds thereof appropriated to paying off any of the existing Debentures issued under the authority of this Act; and if the amount exceeds the amount of such outstanding Debentures, then the surplus shall be paid to the Receiver General or other person appointed to collect the Revenues of the Province, to the credit of the Province.

4. The Governor in Council may from time to time appoint a Director of the said European and North American Railway Company for extension from Saint John westward, who shall not be a member of the Executive Council, and who shall have all the power and authority of any Directors elected by the stockholders.

5. The Railway built by the European and North American Railway Company for extension westward from Saint John, shall be and continue the property of the Company, and under their control or the control of some person or persons or body corporate in this Province, but nothing in this Act shall interfere with any lien created or to be created or charged upon the said Railway for bonds or otherwise.

6. That the sum of five thousand dollars per mile, and not exceeding in the whole seventeen thousand five hundred dollars, be granted for the construction of a Branch Line of Railway to the Boundary Line of the State of Maine, from the Railway leading from Saint Andrews to Woodstock, to such person or persons or body corporate as shall construct the said Road, upon its being proved to the satisfaction of the Governor in Council that a good and sufficient Railway is constructed therein within four years from the passing of this Act, and in good working order for travel and traffic.

7. The Governor in Council is hereby authorized to issue from time to time, for the purposes of this Act, Debentures payable either in New Brunswick currency or Sterling money, to be numbered consecutively, with coupons annexed, bearing interest at six per cent. per annum, payable semi-annually, in such form, verified and authenticated in such manner, in such amounts not less than four hundred dollars each,

and on such conditions, as the Governor in Council may prescribe; the principal of such Debentures to be paid in full after the expiration of thirty years, to the holders thereof; the Debentures in Sterling money to be payable in London, and the Debentures in New Brunswick currency to be payable by the Receiver General or other person appointed to collect and receive the Revenues in New Brunswick.

8. That the sum of one and a half per cent. on the moneys issued and paid under the authority of this Act shall be annually included in the estimate of the Provincial expenditures, and set aside and invested in Provincial securities, for the purpose of forming a sinking fund to provide for the extinguishment of the principal sums borrowed under the authority of this Act, or from time to time appropriated in purchasing the Debentures issued under the authority of this Act, which sum shall be in addition to the necessary appropriation for the payment of the interest; but the dividend derived from the profits on the Road shall be appropriated toward the payment of the interest on the money borrowed under the authority of this Act.

CAP. VII.

An Act in addition to and in amendment of the Act twenty sixth Victoria, Chapter 23, intituled *An Act relating to the admission of Attorneys of the Supreme Court.*

Section

- 1 Term of study in certain cases.
- 2 When may be called to Bar.

Section

- 3 To what Students applicable.
- 4 Amount of fee to Barristers' Society.

Passed 10th June 1867.

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

1. That the term of study for a Student at Law who shall have taken the degree of Bachelor of Laws at Harvard University, Massachusetts, or any legally authorized University or College in Great Britain, the United States, or the British Colonies, at any time prior to his application for admission as an Attorney, be reduced to three years.

2. That any Attorney may be called to the Bar, and admitted a Barrister, in one year after his admission as an Attorney.

3. The provisions of this Act shall extend to those Students

who at present are or may hereafter be engaged in the study of the Law.

4. No greater fee than five dollars in the whole shall be required by the Barristers' Society from any Student at Law, either on his admission to the study of the Law or as an Attorney of the Supreme Court.

CAP. VIII.

An Act in addition to the Act to provide for the relief of the sufferers by the late calamitous Fire at Indian Town, in the Parish of Portland.

Further assessment of \$500 authorized.

Passed 10th June 1867.

WHEREAS the whole amount directed by the said Act to be assessed for the relief of the sufferers by the said fire could not be collected from various causes, by reason of which the loan obtained for the purpose could not be paid off, and the further sum of five hundred dollars will be required to be assessed to cover the amount due, with the interest;—

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

The Justices of the Peace for the City and County of Saint John, in General or Special Sessions, are hereby authorized to order a further assessment of five hundred dollars in the same manner and for the like purpose and under the same provisions as to assessing, levying, collecting and paying the same, as in the Act of Assembly passed in the twenty eighth year of Her present Majesty's Reign, intituled *An Act to provide for the relief of the sufferers by the late calamitous Fire at Indian Town, in the Parish of Portland*, is fully provided, any balance to be paid to the contingent fund of the County.

CAP. IX.

An Act to incorporate "The Governors of the Wiggins Male Orphan Institution."

Preamble recites bequest for founding Institution.

Section

Section

1 Incorporates "The Governors of the Wiggins Male Orphan Institution."

4 Gives power to purchase lands.

2 Vests property in Corporation.

5 Appointment of Officers, &c.

3 Provides for supplying vacancies.

6 Power to make rules and regulations.

Passed 10th June 1867.

WHEREAS Stephen Wiggins, late of the City of Saint John, in the Province of New Brunswick, Merchant, did, on the

fourteenth day of April A. D. 1863, make and publish his last Will and Testament in writing, whereby *inter alia* he did devise and bequeath in the words, or to the effect following, that is to say:—"And whereas I am desirous of founding and endowing an Institution in the City of Saint John for the benefit of destitute male orphan and destitute male fatherless children, born and to be born in the City and County of Saint John: Now I give and devise to the Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, and the survivors and survivor of them, and his heirs, their and his assigns, all those lots of land owned by me, situate near the Marine Hospital in the City of Saint John, known on the Plan of the said City on file in the Office of the Common Clerk of the said City, as lots eleven hundred and seventy two, (1172,) eleven hundred and seventy three, (1173,) eleven hundred and seventy four, (1174) eleven hundred and seventy seven, (1177), eleven hundred and seventy eight, (1178,) eleven hundred and seventy nine, (1179,) and eleven hundred and eighty, (1180,) also the lands fronting on Stormont street, conveyed to me by the executors of W. H. Smith by two Deeds, each dated the seventh day of December, in the year of our Lord one thousand eight hundred and thirty six; and I will and direct that the said Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, and the survivors and survivor of them, his heirs, executors and administrators respectively; their and his assigns, shall stand seized of the said several lots of land and possessed of all such property and moneys devised and bequeathed by this my Will for the purposes of the said Institution, upon the trust hereinafter declared, of and concerning the same, that is to say: In trust to invest and keep invested all such moneys as may come to their hands from any bequest made by me for the purposes of the said Institution, adding interest to principal until there shall be a capital or fund of twenty five thousand pounds; and when the funds held by them for the purposes of the said Institution shall amount to that sum, exclusive of the said lots of land devised for the said Institution, they, my said Trustees, shall nominate so many persons willing to act, as, with my said Trustees, or such of them as may be willing to act, will make nine persons as Governors of the said

Institution, and thereupon all the property held by my said Trustees for the purposes of the said Institution, shall be conveyed, assigned, and transferred, so as to vest the same in the Governors so to be appointed, and in the Governors for the time being of the said Institution, upon trust for the purposes, objects and benefits of the said Institution; and after the said number of nine Governors shall be so filled up, any vacancies occurring by death, resignation, or removal of residence from the said Province, shall be filled up by a majority of the votes of the remaining Governors for the time being; and I direct that no person shall be elected or appointed, or be eligible to election or appointment as Governor of the said Institution, unless he professes a belief in the Christian Religion; and no Roman Catholic, Unitarian, or Universalist, shall be elected or eligible to be elected or appointed as Governor of the said Institution: And I declare that a sum not exceeding five thousand pounds, of the capital funds of the said Institution, shall be applied in erection of a suitable building for the said Institution as hereinafter mentioned, and the residue of the said capital fund, namely, not less than twenty thousand pounds, shall be kept and continued invested on good security, and the dividends and income thereof applied annually for the objects and purposes of the said Institution, which I declare to be as follows:—To feed, clothe and educate as many destitute male orphan children and destitute male fatherless children born or to be born in the City and County of Saint John, as the annual income of the said capital funds will admit, preference being in all cases given to the destitute male orphans and destitute male fatherless children of Mariners; the children to be admitted into the said Institution not to be under the age of four years nor over the age of ten years at the time of such admission, and not to be continued in the said Institution after attaining the age of fifteen years; a majority of the Governors of the said Institution for the time being to determine who are eligible and who may be received into the said Institution and receive the benefits thereof; and I declare that the Governors for the time being of the said Institution may, by a majority of votes, make, alter, revoke and reverse such rules and regulations for the governance and management of the said

Institution, as they may see fit; and that all such teachers and other persons as may be necessary to carry out the objects of the said Institution, shall be appointed by and subject to removal by a majority of the said Governors for the time being, and who shall determine the compensation to be paid to the same; provided that no person shall be eligible to or be appointed to fill the office of teacher in the said Institution if he be a Roman Catholic, Unitarian, or Universalist, nor unless he profess the doctrines of the Christian Religion, excluding the above parties;—and I further declare, that all such children as shall be admitted into the said Institution shall be subject to expulsion by vote of a majority of the Governors for the time being; and I further will and direct, that the children admitted into the said Institution be taught Christian Protestant principles, and that when they leave the said Institution, it is my will that they be placed in such trades or callings as may be best adapted to their capacities and inclinations: And it is my will that the Governors of the said Institution shall, by and out of the sum directed by me to be expended for that purpose, cause to be erected on the said lots of land so devised by me for the said Institution, or on some convenient part thereof, a building adapted and suitable to and to be used for the purposes of the said Institution; and so much of the said lots as may not be covered by the said building shall be connected therewith and enclosed and used as play grounds for the children admitted into the said Institution, except any parts of lots eleven hundred and seventy seven, (1177,) eleven hundred and seventy eight, (1178,) eleven hundred and seventy nine, (1179,) eleven hundred and eighty, (1180,) which may be set apart and used for the purposes of a Female Orphan Asylum or Institution, under the directions hereinafter contained, that is to say:—If any persons shall provide funds to an extent not less than the sum of ten thousand pounds for founding and endowing a Female Orphan Institution, the Governors for the time being of the Institution so founded by me, may set apart the said lots numbers 1177, 1178, 1179, and 1180, or a convenient portion of them, for the use of any such Female Orphan Institution, so that the buildings and grounds of the two Institutions be unconnected, and the lands so set apart be appropriated to the

special purposes and objects of the said Female Orphan Institution, and none other ; and on condition, that if the lands which shall be so set apart shall cease to be used for such purpose, then the said lands shall revert to the Governors for the time being of the Institution founded by me as aforesaid : And I direct, that in case the annual income of the funds of the said Institution founded by me, held for the time being, shall be more than required for the objects of the said Institution for the current year, then the surplus not required shall be converted into capital and be invested in good securities, and held in trust to apply the dividends and income thereof for the benefit of the said Institution ; and I further direct and declare that the Governors for the time being of the said Institution so founded by me, shall at all times keep the building or buildings belonging to the said Institution well and sufficiently insured against loss or damage by fire, in some reputable Office or Offices of Insurance against fire, and shall, on any and every occasion of such loss or damage by fire, with all convenient speed, cause such loss or damage by fire to be rebuilt, repaired and re-instated : And it is my will and intention, and I hereby declare and direct that no part of the lands or lots numbers 1177, 1178, 1179, 1180, hereinbefore mentioned, shall be set apart or appropriated to the use of any such Female Orphan Institution as aforesaid, unless such Female Orphan Institution shall at all times be governed, managed and conducted on the same Christian Protestant principles (excluding from all office and influential employment in the said Institution all Roman Catholics, Unitarians, and Universalists,) as are hereinbefore in this my Will prescribed and established for the governance and management of the Institution so founded by me as aforesaid : And I give and bequeath to my said Executors, the said Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, and the survivors and survivor of them, his executors and administrators, their and his assigns, the sum of seven thousand pounds, the same to be paid to them by my said son, Frederick A. Wiggins, out of my residuary personal estate and effects, (in the optional manner hereinafter mentioned), by equal instalments, in six, twelve and eighteen months next after my decease, and also six thousand dollars of the capital stock of the Merchants' Bank of Boston,

two thousand dollars of the capital stock of the Webster Bank of the City of Boston, ten thousand dollars of the capital stock of the Bank of Commerce in New York, six thousand dollars of the capital stock of the Metropolitan Bank of New York, ten thousand three hundred and twenty five dollars (or four hundred and thirteen shares) of the capital stock of the Mechanics' Bank of New York, fourteen thousand dollars (or two hundred and eighty shares) of the capital stock of the Merchants' Bank of New York, six thousand dollars (or one hundred and twenty shares) in the capital stock of the Union Bank of the City of New York, two thousand dollars (or twenty shares) of the capital stock of the City Bank of New York, and four thousand dollars (or eighty shares) of the capital stock of the Manhattan Company in New York, in trust for the benefit of the said Institution for destitute male orphans and destitute male fatherless children hereinbefore in this my Will referred to and specified, and subject to the directions and provisions in this my Will contained, as to and concerning the same; provided always, and it is my will and intention, that it shall be lawful, and it shall be at the option and in the election of my said son, Frederick A. Wiggins, to pay the said sum of seven thousand pounds to my said executors for the purposes aforesaid, or any part thereof, either in money or in any or either of the stocks or securities in which the same may at the time of such payment be invested, and bearing six per centum per annum interest, that is to say, in shares of the capital stock of the Bank of New Brunswick, or in any bonds or securities of the Corporation of the City of Saint John, or of the Corporation of Trinity Church in said City, or in Debentures of the Commissioners of Sewerage and Water Supply of the City of Saint John and Parish of Portland, or in good and valuable mortgages, whether the said stocks, securities, or mortgages, or any of them, shall be held by or standing in the name of the said Frederick A. Wiggins alone, or of the firm of Stephen Wiggins & Son jointly; and all such stocks and securities shall be paid and transferred by the said Frederick A. Wiggins (on account of the said payments of seven thousand pounds) to my said Executors, and shall be received and taken by my said Executors, at par:

And whereas the said Stephen Wiggins has departed this life: And whereas the said Will was duly executed according to the Laws of this Province for passing real and personal estate, and the same has been duly proved and is now on file in the Office of the Registrar of Probates for the City and County of Saint John; and the said Reverend William Scovil, Charles Merritt, and Frederick A. Wiggins, the Trustees aforesaid, being desirous of carrying into effect the benevolent intentions of the said testator Stephen Wiggins, have duly invested the said sum of money so devised and bequeathed by the said Stephen Wiggins, for the purposes aforesaid, and have added the interest thereto, so that the sum now realized and held by them amounts to the sum of twenty five thousand pounds of current money of New Brunswick, exclusive of any lots of land devised to and held by them in trust for such Institution; and they the said William Scovil, Charles Merritt, and Frederick A. Wiggins, have nominated and appointed six persons, viz: Honorable John W. Weldon, Beverley Robinson, J. D. Lewin, George C. Wiggins, Henry W. Frith, and the Rector of Saint James' Church in the City of Saint John for the time being, making with them the said William Scovil, Charles Merritt, and Frederick A. Wiggins, the number nine, to be the Governors of the said Institution: And whereas it is desirable that effect by Legislative enactment should be given to carry into operation the charitable and benevolent designs of the said Testator;—

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

1. That the said Reverend William Scovil, Charles Merritt, Frederick A. Wiggins, Honorable John W. Weldon, Beverley Robinson, J. D. Lewin, George C. Wiggins, Henry W. Frith, and the Rector of Saint James' Church in the City of Saint John for the time being, and their successors in office, shall be and they are hereby incorporated in deed and name a body corporate, by the name of "The Governors of the Wiggins Male Orphan Institution," with all the powers and privileges incident to a Corporation, to carry into effect the provisions of the said Will of the said Stephen Wiggins.
2. That the said Corporation of "The Governors of the

Wiggins Male Orphan Institution," and their successors, shall be and are hereby declared to be vested with the said property, real and personal, so hereinbefore recited and devised, upon the trusts and subject to the provisions, stipulations and conditions in the said Will contained, and the same shall be held by them as such Corporation of "The Governors of the Wiggins Male Orphan Institution," for ever; saving, nevertheless, the rights of Her Majesty and of all persons of and in the said property hereinbefore mentioned to be devised and bequeathed.

3. That when and so often as any vacancy shall arise by the death or resignation, or removal of residence from the Province, of any of the said Governors, so that the number shall be reduced below nine, the surviving Governors, being resident in the Province of New Brunswick, shall at a meeting to be held for that purpose, elect a suitable person to supply such vacancy; and such person so elected, (as often as may be to fill a vacancy) upon signing the Declaration in the Records of the said Institution, that he professes to believe the Christian Religion, but is not a Roman Catholic, Unitarian, or Universalist, shall be one of the Governors.

4. That the said Corporation shall have power to purchase other lands adjoining to the said lots from any surplus of the interest arising from the said capital stock of twenty thousand pounds, to be held upon the like trust and conditions.

5. That the said Corporation shall have power to appoint such and so many officers and servants to the said Institution, and to pay such reasonable salaries and allowances, as they may deem proper.

6. That the said Corporation shall have power from time to time to make rules and regulations for the government of the said Institution, and to alter the same as they may find necessary.

CAP. X.

An Act to establish County Courts.

Section

1. County Courts established; place of sittings.
2. Districts — a Judge and Clerk appointed for each; not to interfere with the City Court of Saint John, nor Police Court in Portland.

Section

3. Salaries of Judges, and travelling expenses.
4. Proceedings, if Judge absent, or unable to attend.
5. Judges not to practise.
6. Oath of Judges.

Section	Section
7 & 8. Jurisdiction of Courts.	28. What Executions may issue; lands, when bound and how sold.
9. Times of holding, and duration of Courts.	29. Executions and Subpenas may issue to any County.
10. Return of Executions.	30. Jurors, how summoned.
11. Change of Venue.	31. Number of Jurors in civil cases.
12. Writs and proceedings to be on paper; Form of Writs.	32. Power of Courts and Judges respecting insolvent confined, & absconding, concealed, or absent debtors.
13. Proceedings in bailable cases; liability of Sheriff.	33. When Judge may try cause without Jury.
14. Render after action against Bail; relief to Sheriff or Bail.	34. No Petit Jury at General Sessions.
15. General mode of proceeding.	35. Sessions may hand over indictments to County Court; proceedings thereon.
16. Proceedings on demurrer.	36. Review in causes tried at Justice's Court.
17. Evidence under general issue.	37. Courts of Common Pleas abolished; causes pending therein, how to be proceeded with.
18. Acts of Assembly applying to County Courts.	38. Repeal of Acts relating to summary practice in Supreme Court; suits pending, how proceeded with.
19. Practice of Supreme Court to prevail, when no other provision.	39. Judges <i>ex officio</i> Justices of the Peace.
20. Duty of Clerk; where Office held.	40. When party not entitled to costs.
21. No removal to Supreme Court; when costs not allowed if action brought there.	41. Who may practise in County Courts.
22. Courts and Judges to grant new trials, make rules, &c.	42. Clerks to provide Seals and Record Books; how paid for.
23. Power to enforce rules, &c.	43. Clerk to tax costs; Judge may review. Schedule of Fees.
24. Appeal to Supreme Court; proceedings thereon.	44. Jurors, how paid.
25. Summary relief to landlord against tenant holding over.	45. Fees for service of Writs.
26. No exemption from jurisdiction; exceptions.	
27. Executors, &c. how sued.	

Forms.

Passed 17th June 1867.

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

1. There shall be established in each of the Counties in this Province a Court of Law and of Record, to be styled the County Court of [*the name of the County,*] and the Sittings of the said Court shall be held at or near the County Court House in the Shire Town.

2. The Governor in Council shall appoint one Judge for the Counties of Charlotte, Carleton, and Victoria; one Judge for the Counties of York, Sunbury, and Queen's; one Judge for the Counties of Albert, Westmorland, and Kent; one Judge for the Counties of Northumberland, Gloucester, and Restigouche; and one Judge for the Counties of King's and Saint John; provided that the said Court for the County of Saint John shall not have or exercise any jurisdiction in any cause in which the City Court in and for the City of Saint John, or the Police Court in the Parish of Portland, in the County of Saint John, have jurisdiction: The said Judges shall be Barristers of not less than seven years standing, and shall hold office during good behaviour; and a Clerk for

each Court shall be appointed in like manner, who shall be an Attorney, and shall hold his office during pleasure.

3. The salary of the Judges of the several County Courts shall be not less than one thousand dollars nor more than two thousand six hundred dollars per annum, payable quarterly by Warrant on the Treasury, and travelling expenses not exceeding two hundred dollars per year.

4. When by reason of unavoidable absence or absence by leave, of the Judge, a County Court cannot be held, the Clerk shall adjourn the Court to such day as he may deem convenient, and so from time to time until the Court can be held, and he shall enter in the minutes the cause of such adjournment; and in case of the continued inability or absence of a Judge to hold his Court, the Governor in Council may appoint a Barrister of the Supreme Court to act in his stead during such inability or absence, and who shall be vested with all the powers of the Judge.

5. No Judge of any such Court shall practise, carry on or conduct any business in the profession or practice of the Law while being such Judge, on pain of forfeiture of his office.

6. Every Judge shall take the following Oath before some person appointed by the Governor in Council to administer the same, that is to say:—"I do swear I will truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of a Judge of the County Court, and for the several Counties of without fear, favor or malice.—So help me God."

7. The Courts shall not have cognizance of any action,—

1st. Where the title to land is brought in question; or

2nd. In which the validity of any devise, bequest or limitation is disputed, except as hereinafter provided; or

3rd. For criminal conversation or seduction; or

4th. For breach of promise of marriage; or

5th. Of any action against a Justice of the Peace for any thing done by him in the execution of his office.

8. Subject to the exceptions in the last preceding Section, the County Courts shall have jurisdiction and hold plea in all personal actions of debt, covenant, and assumpsit, when the debt or damages claimed do not exceed the sum of two hundred dollars, and in all actions of tort when the damages

claimed do not exceed one hundred dollars, and in actions on bail bonds given to a Sheriff in any case in a County Court, whatever may be the penalty or amount sought to be recovered.

9. The said Courts respectively shall hold Terms every year in each County, which Terms shall annually commence as follows :—

For the County of Charlotte, on the second Tuesday in the months of January and June, on the fourth Tuesday in March, and on the first Tuesday in October :

For the County of Carleton, on the second Tuesday in the months of March and December, and the first Tuesday in July :

For the County of Victoria, on the first Tuesday in the months of March and December, and the second Tuesday in July :

For the County of York, on the first Tuesday in January, March, June, and October :

For the County of Sunbury, on the Wednesday next after the second Tuesday in the months of January, June, and October :

For the County of Queen's, on the Wednesday next after the fourth Tuesday in January and June, and on the third Tuesday in October :

For the County of King's, on the first Tuesday in the months of April, July, October, and January :

For the County of Saint John, on the fourth Tuesday in the months of April, July, October, and January :

For the County of Albert, on the fourth Tuesday in the month of June, and on the second Tuesday in the months of March and November :

For the County of Westmorland, on the third Tuesday in the month of June, on the second Tuesday in the month of December, and on the first Tuesday in the month of March :

For the County of Kent, on the third Tuesday in the month of January, on the last Tuesday in the month of April, and on the first Tuesday in the months of July and November :

For the County of Northumberland, on the fourth Tuesday in the month of January, the second Tuesday in April, and on the fourth Tuesday in July, and the third Tuesday in October :

For the County of Gloucester, on the third Tuesday in the months of January and July, and on the first Tuesday in April :

For the County of Restigouche, on the second Tuesday in the months of January and March, and on the second Tuesday in July:

and continue until all the business shall be finished; or the Judge may adjourn the Court to a future day when it may be necessary to finish the business; and all parties, ministers of the law, jurors and witnesses summoned, shall attend at such adjourned Court, or the Judge may order new Juries to be summoned to attend, and to be charged with the like pains and penalties for any default; but no witness shall be liable for non-attendance unless duly served with a subpoena, and his expenses be paid or tendered.

10. The first Tuesday and Saturday in each Term shall be a day for the return of Writs of Execution.

11. If the Judge shall be satisfied by either party in a cause in his Court, that such cause can be more conveniently or fairly tried in some other County Court, he shall order that the venue be changed, and that the cause be sent for hearing to such other County Court; and the Clerk of the Court shall forthwith transmit, by Post, to the Clerk of the Court to which the cause is sent, a certified copy of all papers and proceedings in the cause on file in his office, and a certified copy of the order for changing the venue, which cause shall be dealt with in such Court as if originally brought therein.

12. Every process, mesne or final, issued out of the said Courts respectively, and all other proceedings therein, may be on paper, and every process shall be directed to the Sheriff of the County to or into which it is issued; the first process in every cause, except replevin, shall be according to the Form (A) in the subjoined Schedule, or as near thereto as may be, and shall bear teste on the day of issuing thereof; and all other writs shall be in form as near as may be to similar writs issued out of the Supreme Court, and made returnable in like manner at some Term of the Court, and shall also bear teste on the day of issuing.

13. In all cases where the party may be held to bail, the plaintiff or his agent shall make affidavit of the debt before the Judge of the Court, or a Commissioner authorized to take affidavits to be read in the Supreme Court, and the amount sworn to shall be endorsed on the writ, and the Sheriff shall arrest the defendant thereunder and commit him to gaol;

unless he shall give a bond, with two responsible persons, to the Sheriff, in double the amount of the sum sworn to, conditioned for the payment of the sum sworn to, with costs on judgment recovered, or upon making a deposit with the Sheriff of the sum sworn to, with ten dollars for costs, and the bond shall be assigned to the plaintiff, and shall stand as a security for the debt and costs to be recovered in said action; but the defendant, or his bail, may be discharged from the bond upon the render of the defendant to the custody of the Sheriff of any County, and notice thereof given to the plaintiff or his attorney; and in case of render before final judgment, the Sheriff may take a new bond in manner before mentioned; and unless the plaintiff shall charge the defendant in execution within twenty days after final judgment and notice of render, the Judge may discharge him out of custody by writ of supersedeas; and in case the Sheriff shall take insufficient bail, he shall be liable to the plaintiff for all damages sustained thereby.

14. In every case where the writ of execution against the defendant in any action is returned *non est inventus*, and an action is prosecuted against his bail upon their bond, they shall be allowed to render their principal in discharge thereof, at any time within thirty days after the service of the writ on such bail, and they shall be discharged from all liability as such bail on payment of the costs of such action, incurred at the time of notice to the plaintiff or his attorney of such render. The Judges of County Courts shall have the same power to grant relief to the Sheriff or bail as may be now done by the Supreme Court, or any Judge thereof.

15. That in all actions in the said Court, except in replevin, the bill of complaint or declaration shall be inserted in the writ, and a copy thereof, with a copy of the particulars of the plaintiff's demand, in cases where by the practice of the Supreme Court the defendant would be entitled thereto, shall be served on him, and he shall, within thirty days thereafter, enter an appearance in the said action and plead the general issue or some other plea in bar, and give a copy thereof to the plaintiff or his attorney, and the said cause shall be tried according to the practice of the Supreme Court, after due notice; and in case the defendant shall fail to enter his appearance and plead within the time aforesaid, then judgment by

default may be entered against him in the said cause, and in twenty days thereafter the Judge may assess the damages and the Clerk sign final judgment for the sum assessed and costs to be taxed; provided always, that the Judges of the said respective Courts may let in the defendant to appear and defend upon terms.

16. In all actions the defendant may file a demurrer to the writ in lieu of the general issue, and shall give a copy thereof to the plaintiff's attorney, which demurrer shall be in a brief form; and notice in writing, of the grounds thereof, shall be given to the plaintiff or his attorney with such copy; and upon such demurrer the Judge shall give judgment according to the very right of the matter; and if judgment be given for the plaintiff, the Judge shall assess the damages as in case of judgment by default, and the plaintiff may sign judgment therefor, with costs; but if judgment shall be given for the defendant, he may sign judgment for costs, unless the Judge allow the plaintiff to amend on terms, and allow the defendant to plead *nunc pro tunc*.

17. In all actions (except replevin) any matters in bar to the action which in actions not summary by the present practice of the Supreme Court ought to be pleaded specially, may be given in evidence under the general issue or other plea in bar, provided that notice in writing of such matter be given to the plaintiff or his attorney at the same time with the plea, and infancy or coverture of the defendant shall not in any action be given in evidence unless notice thereof be given.

18. Every Act of Assembly relating to the depositions of witnesses before trial, to the proceedings in replevin, to evidence, to the service of process, to tender, and for the amendment of the law in any way as to practice, proceedings, and evidence, or any other matter or thing whatever, connected with the administration of justice in the Supreme Court, shall apply to each County Court, when not inconsistent with the provisions of this Act.

19. The mode of proceeding in all cases not herein provided for, shall be according to the practice of the Supreme Court.

20. The Clerk of each Court shall sign and seal all writs, and file all writs and papers, and shall keep a book in which he shall enter all causes, and all rules and orders made therein, and a minute of every judgment rendered in his Court, a copy

of which, certified by him, shall be evidence of such judgment in all Courts in this Province; and he shall keep an office in the shire town of the County.

21. No defendant shall remove any action commenced in the said Court into the Supreme Court by *habeas corpus* or *certiorari*; and if any action be brought in the Supreme Court that could have been brought in a County Court, the plaintiff shall not be allowed any costs, unless the Judge who tried the same shall certify that there was good cause for bringing the action in the Supreme Court.

22. The several Courts, or the respective Judges thereof, shall have power by rule or order, in Term or Vacation, to set aside verdicts, or nonsuits, and grant new trials, and make orders for judgments *non obstante veredicto*, or for arresting judgments; and may by rule or order set aside judgment by default, set aside proceedings for irregularity, grant time for pleading, and order stay of proceedings till security be given for costs, and may issue summonses, and make orders in all matters of practice in like manner and on like grounds and to the same extent as in the Supreme Court, or by the Judges thereof, and may cause rules on Sheriffs, or any other rules, orders or proceedings thereupon, to be served in any County.

23. The said Courts shall have and exercise the same powers to enforce their rules and orders as the Supreme Court possess, and may punish by fine or imprisonment, or both.

24. In case any party in a cause in any of the said Courts is dissatisfied with the decision of the Judge upon any point of law, or with the charge to the jury, or with the decision upon motion for a nonsuit or new trial, or in arrest of judgment, or for judgment *non obstante veredicto*, he may appeal to the Supreme Court; and the Judge, at the request of such party, his counsel or attorney, shall stay the proceedings until judgment be given on appeal, when if the party wishing to appeal give a bond with sureties to the satisfaction of the Clerk; to the opposite party, in the sum of one hundred dollars, conditioned for the payment of all the costs of the appeal awarded by the Supreme Court, if the judgment or decision of the Judge be affirmed, then at the request of the party appellant the Judge shall certify under his hand to the Supreme Court the pleadings in the cause, and all motions, rules

or orders made, granted or refused therein, with his own charge, judgment or decision thereon, and, when a trial has been had, the evidence and all questions and exceptions thereto, whereupon the matter shall be set down for argument at such time as the Supreme Court shall direct; and that Court shall make such order or direction to the Court below, touching the judgment to be given in the matter, as the law requires, and shall in their discretion award costs to either party, which costs shall be certified, and form part of the judgment of the Court below; and upon receipt of such order, direction, and certificate, the Court below shall proceed in accordance therewith.

25. When any tenant shall, after the expiration of his tenancy, refuse to deliver up possession to the landlord, such landlord may apply to the Judge of any County Court where the premises are situate, and having made oath that such tenant has held and occupied the premises designated in the affidavit, for a certain period then expired, and that due notice to quit when necessary has been given, such Judge shall issue a Summons (B) giving at least six days notice, to be served with a copy of the affidavit on the tenant, or by leaving the same with some adult person of the household living in his dwelling house, to shew cause why he holds over: If the tenant neglects to attend, or attending and no sufficient cause be shewn, and on hearing the parties, the Judge may issue his Warrant (C) to the Sheriff, directing him to deliver possession of the premises to the landlord, to be executed by him according to the exigency of the warrant: The cost of such proceeding shall be taxed and allowed, and payment thereof may be enforced by attachment.

26. No privilege shall be allowed to any person to exempt him from the jurisdiction of the several County Courts; but Members of the Legislature shall not be arrested or imprisoned by civil process issued out of any of the said Courts.

27. Any executor or administrator may sue and be sued in any of the said County Courts, in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like case would be given or issued in the Supreme Court, and he may be sued for the amount, or part of the amount, of a distributive share duly ascertained by the proper Court under an intestacy, or of any legacy under a

will, provided the same in either case do not exceed two hundred dollars.

28. The said Courts may issue writs of *feri facias* against goods and lands of the party, which shall bind the same from the time of the delivery thereof to the Sheriff to be executed, and he shall endorse thereon the day of the month and year he received the same, and writs of *capias ad satisfaciendum* in like manner as the Supreme Court; and when lands are levied upon, they shall be advertised, sold and conveyed by the Sheriff in the same manner and form as under executions issued out of the Supreme Court.

29. The said Courts may issue writs of execution and writs of subpoena into any other County, to be served or executed therein, and all such writs shall be of equal force as if the same had issued from the Court or by the Judge of the County to or into which they may be so issued.

30. The Sheriff shall summon twelve men (qualified) to serve as Petit Jurors at each Term of the said Courts, for the trial of causes therein, in the same manner provided by the Act of Assembly, eighteenth Victoria, Chapter twenty four, intituled *An Act relating to Jurors*, and they shall be subject to the pains and penalties prescribed in the said Act.

31. Five jurors shall be sworn and empannelled for the trial of each cause, four of whom, in case they cannot agree after two hours absence, may render a verdict.

32. The several County Courts and the respective Judges thereof, shall have and exercise all the powers and authority vested in the Supreme Court, or the Judges thereof, respectively, by Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors,' and of Chapter 125, Title xxxiv, of the Revised Statutes, 'Of Absconding, Concealed, and Absent Debtors,' and also of an Act made and passed in the twenty sixth year of the Reign of Her present Majesty Queen Victoria, Chapter 10, intituled "An Act to amend Chapter 124, Title xxxiv, of the Revised Statutes, 'Of Insolvent Confined Debtors,'" and of any other Act or Acts in amendment thereof.

33. The Judge of any County Court may try and determine causes brought to issue before him without the intervention of a jury, if both parties agree thereto.

34. No Petit Jury shall be summoned or hereafter attend at any General Sessions of the Peace.

35. In all criminal cases, cognizable by the Court of General Sessions of the Peace, the said Courts may, after bill found, hand over the indictment to the County Court, to be there proceeded with to trial and conviction in the same manner as in the Circuit Court; and the Court of Sessions shall in such case (if the offender be admitted to bail) bind him over by recognizance, to appear and take his trial at such County Court, and the witnesses to appear and give evidence; and the Judge of the County Court may, upon good cause shewn, from time to time postpone the trial to any future sitting of the Court, and in such case shall bind over the offender by recognizance (and if at his instance, with sureties) in such sum as he may think proper, to appear and take his trial at such future Court; and he may also bind over by recognizance the witnesses, to appear and give evidence at such Court: The jury for the trial of such offenders in the County Courts shall be seven, all of whom must agree upon the verdict.

36. The several Judges of the County Courts shall have and exercise all the powers given to a Judge of the Supreme Court in cases of Review in causes tried in a Justice's Court, by Title xxxvii, Chapter 137, Section 44, and all other Acts relating or in addition thereto.

37. The Inferior Courts of Common Pleas are hereby abolished, and all Acts or parts of Acts relating thereto are hereby repealed; but all causes pending in any of the said Courts may be carried on to their termination, and judgment obtained and execution issued in the same manner as if this Act had not passed, only that causes within the jurisdiction of the County Court, and in which issue was joined, may be transferred to the County Court by the order of a Judge, and proceeded therein in the same manner as if originally brought in such Court; and all causes not within the jurisdiction of the County Court may in like manner be transferred to the Supreme Court, and all further proceedings had therein shall be carried on as if originally brought in that Court.

38. All Acts and parts of Acts relating to the summary practice in the Supreme Court are hereby repealed; but all suits and proceedings may be carried on to the termination and judgment, and execution shall issue in the same manner as if this Act had not passed.

39. The Judge of each County Court shall be *ex officio* a Justice of the Peace in and for each County for which he is appointed.

40. If in any action brought in a County Court the plaintiff does not recover a larger sum than he could have recovered in a Justice's Court, he shall not be entitled to any costs unless the Judge who tried the cause shall certify that there was reasonable ground for bringing the action in the County Court, or unless the sum claimed was reduced by set off.

41. Only Attorneys of the Supreme Court may practise in the County Courts.

42. The Clerk of each County Court shall provide a Seal for the said Court, and necessary Books for the Records of the said Court, which shall be approved by the Judge, and paid for by the Treasurer or Secretary-Treasurer of the County, out of the funds of the County, on the order of the Judge of the County Court of such County.

43. The Clerk of the Court shall tax costs, subject, in the event of any dispute, to be reviewed by the Judge, and according to the following scale:—

SCHEDULE OF FEES.

For the Jury Fund, and to be applied to the payment of the Jurors by the Clerk.

On entering cause for trial,	\$1 00
On trial of cause, to be deposited on entry,	3 00

For the Clerk.

Signing and sealing every writ,	0 30
Filing every paper,	0 10
Filing writ and entering cause,	0 20
Interlocutory judgment and certificate,	0 20
On signing final judgment,	0 40
Taxing costs,	0 20
Calling and swearing Jury,	0 20
Swearing each witness,	0 10
Reading each paper,	0 10
Receiving and entering verdict,	0 20
On entering order for judgment of nonsuit,	0 20
For every search made,	0 20
For all copies of papers, 10 cents per folio,	
Certificate,	0 20

Postages, when incurred,	
On entering cause for trial,	\$0 40
On payment of money into Court, on every dollar two cents,	0 02
<i>For the Attorney.</i>	
Taking instructions to sue or defend,	1 00
Writing letter to defendant,	0 50
Writ, including particulars, where it does not exceed four folio,	2 00
Each copy of writ and particulars exceeding four folio,	1 00
Alias and pluries,	0 50
Affidavit of debt and oath,	0 40
Filing writ and entering cause,	0 50
Signing interlocutory judgment,	0 50
Preparing bill of costs,	0 20
Copy and service when necessary,	0 30
Attending taxation,	0 20
Preparing assessment dockets,	0 40
For every necessary attendance on Judge,	0 60
For drawing any summons, rule, or order, and copy,	0 25
Signing final judgment,	1 00
Execution when actually issued, including Clerk's fee,	0 90
Venire when actually issued,	0 50
Every notice and service,	0 40
Brief,	1 00
Every motion,	0 60
Entering every cause for trial,	0 50
For entering appearance and plea,	0 60
Copy thereof to file,	0 30
Copy for plaintiff and service,	0 40
For preparing special notice or other paper when necessary, 10 cents per folio.	
Copy to file, 5 cents per folio.	
Copy to serve, 5 cents per folio.	
Service of every paper,	0 10
Subpœna,	0 40
Each copy,	0 20
Every necessary search,	0 20
Postages actually paid.	
<i>Counsel Fee.</i>	
On trial of cause and on every argument before the Court, not less than \$5 nor more than \$14, at the discretion of the Judge.	

Every special motion or argument before the Judge at Chambers, not more than \$5, at the discretion of the Judge.

In case of judgment by default where the damages recovered shall not exceed \$100, the costs of the Attorney shall not be taxed at a sum exceeding \$6, exclusive of Sheriff's fees.

Sheriff's Fees.

For serving every writ including affidavit and return thereon, \$0 60

Mileage, going and returning, 5 cents per mile.

Every bond, 1 00

Assignment thereof, 0 50

Poundage, four cents on every dollar.

When lands are advertised under execution, incidental expenses also to be allowed when absolutely necessary.

Preparing deed of conveyance, 2 00

Constable.

For attending each Jury, 0 20

Witness fees to be the same as in the Supreme Court.

44. The Petit Jurors attending at the said Courts shall be paid in the same manner and at the same rate as the Jurors attending at the Supreme Court.

45. No fees shall be allowed for the service of any writs, unless served by the Sheriff or his Deputy, or the Coroner.

FORM A.

[L. S.]

County, ss.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the Faith, &c.

To C. D. of in the County of , Greeting:

We command you, that within thirty days after service upon you of this writ, you do cause an appearance to be entered for you in the County Court for the County of to answer A. B. in a plea of [the form of action] for that whereas [here set out the cause of action in a brief form] and take notice that in default of your doing so, the said A. B. may cause an appearance to be entered for you, and proceed

CAP. XII

An Act further to facilitate the construction of Railways.

Section

- 1 Sec. 10, cap 3, 27 Vic. repealed.
- 2 E. & N. A. Railway Co. for extension westward, may issue Bonds, &c.
- 3 Calls may be restricted to half of capital stock.

Section

- 4 Secs. 4 & 5, cap. 6, 30th Vic. repealed.
- 5 Provincial Stock, how represented.
- 6 Governor in Council to appoint Government Director.
- 7 Time to complete Road extended.

Passed 17th June 1867.

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

1. That the tenth Section of an Act made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act in aid of the construction of Railways*, be and the same is hereby repealed.

2. The European and North American Railway Company for extension from Saint John westward, may issue Bonds or other securities for money, and may secure the payment of the same by mortgage upon its capital stock, the Road, the Stations, Station Houses, Rolling Stock, and its other property and franchises, and may sell or hypothecate such Bonds or other securities at such rate or rates, and in such manner, and upon such terms, in or out of the Province, as the Directors may deem best for the interests of the Company.

3. Notwithstanding the provisions of the fifth Section of an Act passed in the said twenty seventh year of Her Majesty's Reign, intituled *An Act to incorporate the European and North American Railway Company for extension from Saint John westward*, the Directors may restrict the assessment or calls to and upon one half of the capital stock, amounting to two hundred and fifty thousand dollars, *bona fide* taken and subscribed, and postpone the assessment and calls upon the other half to a later period, or call the same in at longer periods and in smaller sums than for the other half of the said capital stock, only that the whole of the said capital stock must be paid up in full to the Treasurer of the said Company, for the use of the Company, before the contract for constructing the said Road is completed, and the whole amount of the subsidy from the Government of New Brunswick is paid and expended.

4. The fourth and fifth Sections of an Act passed in the present Session of the General Assembly, intituled *An Act to facilitate the construction of certain Railways*, be and the same is hereby repealed.

5. The stock subscribed and taken by and on account of the Province of New Brunswick in the European and North American Railway for extension from Saint John westward, shall be represented in the Board of Directors, and in the government of the said Company, in the same manner and to the same extent in all respects as other stock held by individuals: The majority of the Directors shall be resident in this Province, and no Member of the Executive Council shall be elected a Director.

6. The Governor and Council may from time to time, as occasion may require, authorize and empower a stockholder of the said Company to vote in and represent the stock held by the Province, which shall be evidenced by the certificate of the Provincial Secretary, or by an extract from the minutes of the Executive Council, certified by the Provincial Secretary, to be produced to the meeting of the stockholders, and filed with the Secretary of the Company, and it shall confer authority to vote at such general or special meeting, or any adjournment thereof.

7. The time for the completion of the said Road, in the manner prescribed by the thirteenth Section of *An Act to incorporate the European and North American Railway Company for extension from Saint John westward*, shall be extended for the further term of two years after the expiration of the period prescribed by the said recited Act.

CAP. XIII.

An Act in addition to and in amendment of an Act in aid of the construction of Railways.

Section

1 Repeals part of sec. 1, cap. 3, 27 Vic.

Section

2 To what Road aid to be given.

Passed 17th June 1867.

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

1. All that portion of Section 1, Chapter 3, of an Act made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act in aid of the construction of Railways*, which provides aid for a Branch Line of Railway to connect the European and North American Railway with Hillsborough; in the County of Albert, at such point therein as may be deemed most desirable, is hereby repealed.

2. The Provincial aid, in the manner provided by the said recited Act, shall be given towards the construction and completion of a Branch Line to connect the European and North American Railway with Hillsborough or Hopewell in the County of Albert, at such point in either of such Parishes as may be deemed most desirable or advantageous in the interests of the Company undertaking to construct the same.

CAP. XIV.

An Act to amend Chapter 13, Title iii, of the Revised Statutes, 'Of the Fees of certain Public Offices.'

Clerk of Pleas to pay Fees to Receiver General.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That notwithstanding the provisions of the second Section of Chapter 13, Title iii, of the Revised Statutes, 'Of the Fees of certain Public Offices,' the Clerk of the Pleas shall, after the thirtieth day of the present month of June, pay over to the Receiver General of this Province all the Fees received by him, instead of to the Treasurer, as is provided in the said recited Act, and in the same manner and subject to the same responsibilities and duties in all other respects.

CAP. XV.

An Act to repeal an Act intituled *An Act relating to certain exemptions from Duty at the Port of Saint Stephen.*

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That an Act made and passed in the twenty sixth year of the Reign of Her Majesty Queen Victoria, Chapter 47, intituled *An Act relating to certain exemptions from Duty at the Port of Saint Stephen*, be and the same is hereby repealed.

CAP. XVI.

An Act to amend the second Section of Sub-Chapter 1, of the Act of Assembly 17th Victoria, Chapter 18, intituled *An Act relating to the administration of Justice in Equity.*

Supreme Court in Equity to exercise powers given to Court of Chancery and Lord Chancellor by Imperial Acts 13 & 14 Vic. cap. 60, and 15 & 16 Vic. cap. 55.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and

Assembly,—That the powers and authorities given by the Acts of the British Parliament 13th and 14th Victoria, Chapter 60, called “The Trustee Act, 1850,” and the 15th and 16th Victoria, Chapter 55, to the Court of Chancery and the Lord Chancellor in England, and extended by the said Acts to the Colonies belonging to Her Majesty, shall and may be exercised in like manner by, and are hereby given to the Supreme Court in Equity in the Province of New Brunswick, with respect to all lands and personal estate in the said Province, and shall be allowed and taken as a part of the Law and system of proceeding in the said Court.

CAP. XVII.

An Act relating to Great Roads.

Section	Section
1 & 2 New Great Roads established.	3 Repeals parts of Chapter 65, Title ix.

Passed 17th June 1867.

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

1. In addition to the Great Roads provided by Chapter 65, Title ix, of the Revised Statutes, ‘Of the Great Roads,’ and the Act twenty second Victoria, Chapter 11, intituled *An Act relating to the Great Roads*, the Roads hereinafter described shall be Great Roads of communication throughout the Province.

2. From the Petitcodiac Station of the European and North American Railroad to the Great Road leading from Salisbury to Elgin, near Hugh Davidson’s, in the County of Westmorland.

From the Great Road near the Moncton Station of the said Railway to the Great Road in Coverdale, over the Moncton Bridge, excepting the said Bridge and all the rights of ownership therein of the Petitcodiac Bridge Company.

The Road from Jouett’s Ferry to Whitehead’s, on the eastern side of the River Saint John, shall extend to the Suspension Bridge at the Grand Falls in the County of Victoria, and from Jouett’s Landing to Barker’s Landing in the County of York.

From Saint John Suspension Bridge to the point of intersection of the Portland and Indian Town Road, thence to Indian Town; also from the Marsh Road, so called, near the

Aboideau, to the Provincial Penitentiary, in the County of Saint John.

From Apohaqui Station of the said Railway, via Duncan M'Lean's, to the Washademoak Lake, thence to John Cole's.

From the Penobsquis Station of the said Railway, King's County, via Moore's Mills and Bennett's Mills, to the Salmon River Post Office, in the Parish of Alma.

From John Boyer's in the County of Carleton, to the Saint John River at Florenceville.

From Canterbury Station to the North Lake at M'Minn's, on the Road laid out by Asa Dow.

From Percival's, on the Ferry Road opposite Newcastle, to the River at Stewart's, on the south side of the South West Miramichi River.

From the Road leading from James G. Stevens', Esquire, in the Parish of Saint Stephen, to Colin Campbell's on the Basswood Ridge, Saint James, Charlotte County.

From the Post Office, Sackville, by way of Four Corners, to intersect the Great Road at Cole's Island.

From the Boundary Line at Bloomfield, to Richmond Corner in Carleton County.

3. All those parts of Chapter 65, Title ix, 'Of the Great Roads,' establishing the Road from Salmon River to Point Wolfe River, in the County of Albert, also from Hay's Post Office in Norton, King's County, to the Road leading to the Apohaqui Station of the said Railway, are hereby repealed.

CAP. XVIII.

An Act to authorize the Woodstock Railway Company to recall and cancel certain Debentures, and to issue new Debentures.

Passed 17th June 1867.

WHEREAS the Woodstock Railway Company under and by virtue of an Act made and passed in the twenty ninth year of the Reign of Her present Majesty, intituled *An Act to authorize the Woodstock Railway Company to issue Debentures*, did issue two certain Debentures numbered one and two, dated the third day of December in the year of our Lord one thousand eight hundred and sixty six, for the sum of thirty thousand dollars each : And whereas said Debentures have not been negotiated, and it has been found inconvenient,

and it is considered advisable for the interest of the said Company, that the same be recalled and cancelled;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That “The Woodstock Railway Company” may at any time recall or discharge the said Debentures numbers one and two, and issue such other new Debentures, of less denomination, authorized by the said Act, as to the said Company may be found more convenient, a record of which cancellation is to be made in the office of the Registry of Deeds in and for the County of Carleton.

CAP. XIX.

An Act in addition to and in amendment of an Act intituled *An Act to incorporate the Woodstock Railway Company.*

Company empowered to construct additional Lines.

Passed 17th June 1867.

WHEREAS certain persons were incorporated by an Act of Assembly made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act to incorporate the Woodstock Railway Company*, with certain powers and privileges in the said Act set forth: And whereas it is desirable that the said Woodstock Railway Company, their successors and assigns, shall be empowered to construct and build such other lines of Railway in the Counties of Carleton and Victoria, as they may think proper, subject in all respects to the like conditions, powers and privileges in the said recited Act;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the Woodstock Railway Company, and their successors and assigns, are and they are hereby empowered to construct and build such line or lines of Railway in the Counties of Carleton and Victoria, and the Parish of Southampton in the County of York, as they may think proper, subject in all respects to the conditions, powers and privileges made incident and granted to the said Woodstock Railway Company, in and by an Act of Assembly made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act to incorporate the Woodstock Railway Company.*

CAP. XX.

An Act relating to Members of the House of Assembly and Legislative Council.

Members of Parliament of Canada incapable of sitting in Local Legislature.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That no person being a Member of the Senate or House of Commons of Canada, shall be capable of being appointed to, or sitting or voting in the Legislative Council of this Province, or of being elected, or of sitting or voting in the House of Assembly thereof; and if any person, being a Member of the Legislative Council or of the House of Assembly of this Province, shall accept a seat in the Senate or be elected as a Member of the House of Commons of Canada, his seat in the Legislative Council or House of Assembly of this Province, as the case may be, shall thereby be vacated.

CAP. XXI.

An Act to amend the Act to incorporate the Woodstock Bank.

Passed 17th June 1867.

WHEREAS it is found desirable to amend the Act made and passed in the twenty eighth year of Her present Majesty's Reign, intituled *An Act to incorporate the Woodstock Bank*;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the time fixed in and by the second Section of the said recited Act for the payment of the first instalment of the capital stock of the said Corporation, be extended for a further period of four years from the time of the passing of this Act, and that the time fixed for the payment of the remainder of the capital stock shall also be extended for the period of four years from the time of the passing of this Act.

CAP. XXII.

An Act to amend an Act intituled *An Act to incorporate the Saint Stephens Branch Railroad Company.*

Liability of Stockholders.

Passed 17th June 1867.

WHEREAS it may be doubtful whether the subscribers for shares in the capital stock of the Corporation of the Saint

Stephens Branch Railroad Company are or can be made legally liable for the amount of the sum or sums by them respectively subscribed, as shareholders in the said capital stock, by reason of the capital stock of said Company being made to consist of three hundred thousand dollars, and all of which sum may not have been subscribed: And whereas also it may be doubtful whether any assessment made on such subscribers, and the notices of same required by the said recited Act to be given, are regular, unless the said amount of capital stock had first been fully subscribed: And whereas the said Railroad is now in running order;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the subscribers to such capital stock shall be held liable in the same manner and to the same extent as if the whole of the capital stock, as in said recited Act is mentioned, had been fully subscribed; and all assessments made; and the notices thereof under said recited Act shall be held as having been regularly made, notwithstanding the capital stock of three hundred thousand dollars has not or may not be fully subscribed for; and that the respective subscribers to the said shares in the capital stock aforesaid shall be liable to the assessments made or to be made, in the same manner and to the same extent as if the whole amount of three hundred thousand dollars of capital stock had been subscribed for and taken up.

CAP. XXIII.

An Act to establish an additional Polling place in the Parish of Grand Falls, in the County of Victoria.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That the following additional Polling place for the Election of Members to serve in the General Assembly, shall be and is hereby established,—At or near George Ballard's, in the Parish of Grand Falls, for all Electors residing or entitled to vote in that part of the said Parish which lies south of the northern line of a tract of land granted to Barnabas M'Laughlan, being Lot No. 29, and the prolongation of the said line westerly to the American Boundary Line, and the prolongation of said line easterly, crossing the River Saint John, till it meets the division line between the Parishes

of Grand Falls and Gordon,—The above described part of the said Parish to be distinguished as District Number Two, and the remaining part as District Number One.

CAP. XXIV.

An Act to establish an additional Polling place in the Parish of Carleton, in the County of Kent.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That an additional Polling place be established in the County of Kent, at or near the residence of Nicholas Mazerall, in the Parish of Carleton, for the Election of Members to serve in the General Assembly of this Province; and all persons entitled to vote, and residing to the north of the Portage River, shall vote at the Polling place at or near the residence of the said Nicholas Mazerall; and all residing to the south of said River, to vote at the present place established for holding the Poll in the said Parish.

CAP. XXV.

An Act to change the place for holding Elections in the Parish of Lepreaux, in the County of Charlotte.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That the Polling place as now established in the Parish of Lepreaux, in the County of Charlotte, at or near M'Gowan's, New River, in the said Parish, be and the same is hereby changed to the Village of Lepreaux, at or near the Temperance Hall in the said Village, at which place the Sheriff shall hold his poll at any future Election.

CAP. XXVI.

An Act to establish additional Polling places in the County of Carleton.

Section

- 1 Establishes additional Polling places.
- 2 District in Woodstock.
- 3 District in Simonds.

Section

- 4 District in Kent.
- 5 Secretary-Treasurer to prepare Lists.
- 6 When Act to come in force.

Passed 17th June 1867.

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

1. That additional Polling places shall be established in the County of Carleton for the Election of Members to serve

in the General Assembly of this Province, at the following places, namely:—

At or near the residence of John Scott in the Parish of Woodstock;

At or near the residence of James N. Moore in the Parish of Simonds; and

At or near the residence of John Boyd in the Parish of Kent.

2. All persons entitled to vote within the following District, shall vote at the Polling place at or near the residence of the said John Scott in the Parish of Woodstock, namely, within that portion of the Parish of Woodstock which is south of a dividing line as follows:—Beginning on the western bank of the River Saint John, at the southern side line of Lot J, granted to Richard L. Woods, thence running westerly along the said southern side line of the said Lot J, to the rear line of the first tier of Lots, and thence northerly along the said rear line to the southeastern angle of Lot six, granted to James O'Donnell, in the second tier, and thence westerly along the southern line of said Lot six, to the eastern boundary of the Parish of Richmond; and all persons entitled to vote without the said District shall vote at the Polling places heretofore established by law.

3. All persons entitled to vote within that portion of the Parish of Simonds, in the County of Carleton, which is west of a dividing line beginning on the southern boundary of the Parish of Simonds at the point where the eastern boundary of Lot number thirty two, granted to George Drake, in the third tier, strikes the same, thence running northerly along the eastern boundary of the said third tier to the eastern boundary of the grant to Anthony Blaney Walsh, thence northerly along the eastern boundary of the second tier of the Presquile Block, until it strikes the northern boundary of the Parish of Simonds aforesaid, shall vote at the Polling place at or near the residence of James N. Moore in the said Parish of Simonds; and all other persons entitled to vote without the said District in the said Parish, shall vote at or near Lakeville Mills.

4. All persons entitled to vote within the following District, shall vote at the Polling place at or near the residence of the said John Boyd in the Parish of Kent, within the following boundaries:—Beginning on the boundary line be-

tween the Counties of Victoria and Carleton, where the western boundary of the tract of land surveyed for the Emigrant Aid Society, and known as the Johnville Settlement, intersects the same, thence following the various courses of the western boundary of said Johnville Settlement until it comes to the reserved road at the southern side of Lot number two, granted to Bernard M'Kim, thence easterly along the said reserved road to the western boundary of the tract of land known as the Glassville Settlement, thence following the various courses of the said Glassville Settlement northerly to the eastern boundary of range seven in Johnville Settlement tract above mentioned, and thence northerly along the said eastern boundary of range seven, until it comes to the northern boundary of the County of Carleton, and thence westerly along the same to the place of beginning; all persons entitled to vote, who reside in that part of the Parish of Kent which is east of the above described District, shall vote at the Polling place in the Parish of Aberdeen, and all the remaining portion of the Parish of Kent which is west and southwest of the said described District, shall vote at the Polling places already established by law.

5. The Secretary-Treasurer of the Municipality of the County of Carleton shall forthwith prepare an Electoral List for those Districts in the said County of Carleton which are by this Act altered or established.

6. This Act shall not come into operation and be in force until the first day of January 1868.

CAP. XXVII.

An Act relating to Grammar, Superior, and Common Schools.

Section

1 When Assistant Teachers may be appointed for Grammar Schools.

Section

2 When in Parish Schools.

Passed 17th June 1867.

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

1. Whenever the Trustees of any Grammar School shall make it appear to the Provincial Board of Education that one Teacher is insufficient for the number of Scholars attending such School, the Board may authorize the Trustees to employ one or more Assistant Teachers; and the Teachers

so employed, if duly qualified, shall be entitled to receive the same Provincial allowance as if they were employed in a Parish School.

2. The Board of Education may also authorize the Trustees of Schools for any Parish to employ more than one Assistant Teacher in any School where the number of Scholars attending such School shall render it necessary.

CAP. XXVIII.

An Act relating to Gaol Limits.

Section

1 Gaol Limits extended.

2 Debtor on limits not entitled to aid.

Section

3 When Act to come in force.

Passed 17th June 1867.

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

1. That from and after the passing of this Act, the Limits of the Gaol for each and every County in this Province shall be and they are hereby declared to extend to any part of each County or City and County within the Province; and all the Laws now in force relating to Confined Debtors applicable to any Gaol Limits as now used, shall be and are hereby made to be in force with respect to this extension as if enacted therefor.

2. Provided that no confined debtor having the benefit of the limits aforesaid, shall be entitled to support under the said recited Act.

3. That this Act shall not come into operation or be in force until the first day of April in the year of our Lord one thousand eight hundred and sixty eight.

CAP. XXIX.

An Act in amendment of twenty fifth Victoria, Chapter 28, intituled
An Act relating to Corporations:

Who to administer oath to non-resident Electors; filing of Certificate.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That the oath required in and by the seventh Section of the said Act, in case of the Directors therein mentioned, or a majority of them, being resident in any foreign country, or elsewhere out of the Province of New Brunswick,

may be made and taken before any of the persons or authorities duly authorized by the Laws of this Province to take the acknowledgments of deeds, or to take an affidavit to be used in any Court or legal proceedings in this Province; and the certificate by the said Section required may be filed at any time within two years after the payment of the said fifteen per cent. therein mentioned.

CAP. XXX.

An Act to alter and amend Chapter 1, Title I, of the Revised Statutes, 'Of the Division of the Province into Counties and Parishes.'

Section
1 Part of s. 12, c. 1, Title I, repealed.

Section
2 Part of Sugar Island and Nevers' Island attached to Douglas.

Passed 17th June 1867.

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

1. That all that part of Chapter 1, Title I, Section 12, of the Revised Statutes, 'Of the Division of the Province into Counties and Parishes,' as relates to Sugar Island and Glencoe or Nevers' Island, in front of the Parish of Kingsclear, in the River Saint John, be and the same is hereby repealed.

2. That the northern range of Lots comprising Lots number one to number nine inclusive, and from number thirty seven to seventy one inclusive, on Sugar Island, together with the Island of Glencoe or Nevers' Island, be attached to and form part of the Parish of Douglas, in the County of York, and that all the remaining lots or parts of Sugar Island be attached to and form part of the Parish of Kingsclear, in the County of York.

CAP. XXXI.

An Act relating to Trade Marks.

Section
1 Trade Marks, by whom granted.
2 How applied for.
3 Petition and diagrams, where filed.
4 Granting of Trade Marks published in Gazette.
5 What constitutes "Trade Marks."
6 Provincial Secretary to determine who has a right to a Trade Mark.

Section
7 Penalty for using Trade Marks registered by another person.
8 Penalty for registering a Trade Mark already registered.
9 How penalties recovered.
10 What held to be use of Trade Mark.
11 Fee to be paid Provincial Secretary.
12 Suit may be maintained by proprietor.

Passed 17th June 1867.

WHEREAS it is expedient to make provision for the better ascertaining and determining the right of manufacturers or

others, to enjoy the exclusive use within this Province of Trade Marks claimed by them ;—

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

1. The Governor may from time to time grant, under the Great Seal of the Province, to any person or persons applying therefor, the exclusive right to appropriate and use any particular Trade Mark or Marks.

2. The applicants for such right shall in his or their petition set forth a description of the said Trade Mark, accompanied by a diagram or drawing of the same, and also by the declaration of the applicant that the said Trade Mark has not been previously appropriated by any person or persons, and is not in public or common use in the Province ; the allegation in the said petition and declaration he shall verify on oath to the best of his belief.

3. The Petition with the accompanying diagram and affidavit shall be delivered into the Provincial Secretary's Office and there filed, and the grant thereof duly registered as in case of other grants issuing under the Great Seal.

4. The granting of such Trade Marks shall be duly published for three months in the Royal Gazette by the Provincial Secretary.

5. For the purposes of this Act, all marks, names, brands, labels, packages or other business devices which may be adopted for use by any person in his trade, business, occupation, or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed, or offered for sale, no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known as "Trade Marks," and may be registered for the exclusive use of the party registering the same in the manner hereinbefore provided ; and thereafter he shall have the exclusive right to use the same to designate articles manufactured or sold by him.

6. If any person shall make application to register as his own any Trade Mark which has been already registered, the Provincial Secretary shall notify all parties interested,

with their witnesses, to appear before him for the purpose of establishing which is the rightful owner of such Trade Mark, and after having heard the parties and their witnesses, the said Provincial Secretary shall order such entry or cancellation, or both, to be made as he shall deem just; in the absence of the said Secretary the Assistant Secretary may hear and determine the case, and make such entry or cancellation, or both, as to right and justice may appertain.

7. If any person other than the party who has registered the same shall mark any goods or any article of any description whatever with any Trade Mark registered under the provisions of this Act, or with any part of such Trade Mark, whether by applying such Trade Mark, or any part thereof, to the article itself, or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such Trade Mark, or shall knowingly sell or offer for sale any article marked with such Trade Mark, or with any part thereof, with intent to deceive and to induce persons to believe that such article was manufactured, produced, compounded, packed or sold by the proprietor of such Trade Mark, he shall be guilty of a misdemeanor, and on conviction thereof shall forfeit for each offence a sum of not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such Trade Mark, together with the costs incurred in enforcing and recovering the same; provided always, that every complaint under this Section shall be made by the proprietor of such Trade Mark, or by some one acting on his behalf and duly authorized thereto.

8. If any person shall knowingly and wilfully register as his own, any Trade Mark the property of a person not resident in this Province, he shall be guilty of a misdemeanor, and shall be subject and liable to the penalty mentioned in the preceding Section; and the entry of every such Trade Mark in the Secretary's Office shall be cancelled by the said Provincial Secretary, on receipt of a certificate signed by the Clerk of the Court, or the Justices of the Peace before whom the conviction was had, of any such conviction, and one half of every such penalty shall be paid to the party prosecuting, and the other half to the use of the Province.

9. Complaints under either of the two next preceding Sections may be brought by any party or person whatever, and the penalties mentioned in the three next preceding Sections shall be enforced and recovered in the same manner and subject to the same provisions as are provided in the Sections of this Act respecting the registration and protection of designs.

10. The use of any Trade Mark either identical with that of any manufacturer, producer, packer, or vender, or so closely resembling as to be calculated to be taken for it by ordinary purchasers, shall be held to be a use of such Trade Mark.

11. That on every application made under this Act, the applicant shall pay at the time of making the same, into the Provincial Secretary's Office, a sum not exceeding twenty dollars, to pay the expense of issuing such Grant and of publishing the same in the Royal Gazette.

12. Notwithstanding any thing in the preceding Sections contained, a suit may be maintained by any proprietor of a Trade Mark against any person using his registered Trade Mark, or any fraudulent imitation thereof, or selling articles bearing such Trade Mark, or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act.

CAP. XXXII.

An Act to erect a part of the Parish of Wellington, in the County of Kent, into a separate Town or Parish.

Section
1 Boundaries and Name of new Parish.
2 Laws and regulations of other Parishes to apply.

Section
3 When Act comes into operation; present officers to continue in office.
4 Polling place, where held.
5 List of Electors, how made up.

Passed 17th June 1867.

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

1. All that part of the Parish of Wellington, in the County of Kent, divided by a line lying to the west of a line commencing at the mouth of Mill Creek and following the course of the said Creek up stream to the eastern line of the Grant to John W. Holderness on said Creek, thence along that line to the rear line of said Grant, thence westerly along

said line to the western line of the Grant to John Cameron, thence northerly along that line and its prolongation to Mill Creek, thence following the various courses thereof up stream to eastern line of Lot number 101 granted to John M'Eachran, thence along that line and its prolongation to northern line of Lot No. 95 granted to John M'Nairn, thence westerly along the said last mentioned line and its western prolongation to meet the eastern line of Lot No. 138 granted to George Holder, thence along said eastern line and its prolongation in a northerly direction to northern line of Lot No. 110 in Block O, thence along that line in an easterly direction to meet the southern prolongation of the eastern line of Lot No. 52 granted to John Cochrane, thence along said prolongation and eastern line of said last mentioned Grant to the northwestern line of the Parish of Wellington, and on the south side of the River to follow the upper line of the Lot No. 13 granted to Michael Basterash in a southerly direction to the rear line of Lots on the south side of Buctouche River, thence westerly along that line to western line of Lot No. 1 granted to Francis King, Junior, thence along that line and its southeastern prolongation to the rear or southeastern line of Lot No 7 granted to Caleb Finney, thence along that line in a northeasterly direction to the western line of Lot No. 5 granted to Joseph Robicheaux and others, and thence along that line in a southerly direction to the southern line of the Parish of Wellington, shall be and the same is hereby erected into a separate Town or Parish to be known by the name of the Parish of Saint Mary.

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

3. This Act shall not come into operation or be in force until the first day of July next, and it shall not interfere or prevent the recovery of any assessment which may have been previously ordered, or with any fines, penalties or money which may have accrued or become due, or with the discharge of the duties of any officer who may have been appointed for the year then running, but every such officer shall discharge his duty until the end of the year, in the same manner as if the Parish of Wellington had not been divided; and nothing in this Act contained shall be con-

strued to relieve either section of the said Parish hereby divided from their respective liabilities.

4. That the Polling place for the said Parish of Saint Mary shall be, and the same is hereby declared to be, at or near the Chapel in the said Parish, for the Election of Members to serve in the General Assembly by virtue of an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to regulate the Election of Members to serve in the General Assembly;*” and that the Polling place for the Parish of Wellington shall be the same as now established by law.

5. If any Election shall be held before a new Revisors' List of Electors shall be made out for the said Parish of Wellington, the Sheriff shall from the present List select the Electors who reside in the Parish of Saint Mary hereby created, which shall be the List for such last mentioned Parish, who are to vote at the Polling place established by this Act for the said Parish of Saint Mary.

CAP. XXXIII.

An Act in addition to an Act intituled *An Act in addition to an Act intituled "An Act to incorporate the Saint Stephen Branch Railroad Company."*

Company authorized to issue additional Debentures.

Passed 17th June 1867.

WHEREAS by the said recited Act, passed in the twenty eighth year of Her present Majesty's Reign, it was made lawful for the said Company, from time to time, to issue Debentures or Certificates of Debt bearing interest, with Coupons attached, at six per centum, in such number and in such denominations as the said Company might see fit; and whereas the amount of such Debentures was limited to the sum of one hundred thousand dollars; and whereas it is found necessary by the said Company to have power to issue Debentures to a further sum;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the said Saint Stephen Branch Railroad Company may and they are hereby authorized to issue Debentures to the further sum of fifty thousand dollars, which Debentures when issued shall constitute a charge upon the property of the said Saint Stephen Branch Rail-

road Company next in priority to the Debentures of one hundred thousand dollars first issued by virtue of the before recited Act, and a Schedule of the further Debentures to be issued by virtue of this Act shall be filed by the President of the said Company in the Office of the Registrar of Deeds and Wills for the County of Charlotte, and shall thereupon constitute an incumbrance affecting the lands and property of the said Saint Stephen Branch Railroad Company next in priority to the Debentures issued by virtue of the said first recited Act.

CAP. XXXIV.

An Act to amend Chapter 116, Title xxx, of the Revised Statutes, 'Of Bills, Notes, and Choses in Action;' also Act 12th Victoria, Chapter 39, relating thereto.

Section 1 Notes, &c. not payable in money, held as prima facie evidence of value.	Section 2 Sec. 3, cap. 116, Title xxx, & sec. 40 of 12 Vic. cap. 39, repealed.
---	--

Passed 17th June 1867.

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

1. That all notes, drafts or orders in writing for a sum certain, payable otherwise than in money, shall be deemed and held *prima facie* to import that they are given for a valuable consideration in like manner as promissory notes for the payment of money.

2. That the third Section of Chapter 116, Title xxx, of the Revised Statutes, and the fortieth Section of 12th Victoria, Chapter 39, are hereby repealed.

CAP. XXXV.

An Act in further amendment of the Act relating to the General Public Hospital in the City of Saint John.

Incomes of inhabitants to be assessed.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That the assessments authorized to be made by the ninth Section of an Act passed in the twenty third year of the Reign of Her present Majesty, intituled *An Act establishing and maintaining a General Public Hospital in the City or County of Saint John*, and any Act or Acts in amendment thereof, shall, with respect to such portions of the said

assessments as are required to be assessed and levied upon the real and personal property of the inhabitants as therein mentioned, include also the incomes of the said inhabitants, which assessments shall be apportioned, levied and collected upon such real and personal property and incomes, in the same manner as other County and Parish rates, and as in the said Act referred to and the Forms appended is mentioned, adapting the said Forms to this Act.

CAP. XXXVI.

An Act to amend an Act intituled *An Act to amend the Law relating to the collection of Taxes and small debts in the Parish of Portland, in the City and County of Saint John, and for other purposes in the said Parish.*

Section

- 1 Police to report offenders against 21th Vic. cap. 23.
- 2 Sec. 14, cap. 23, of 21th Vic. partly repealed. List to be furnished to Police Magistrate.
- 3 Police to collect dog tax; money to go to Police and Light fund.

Section

- 4 Jurisdiction of Magistrate in civil cases.
- 5 Persons injuring water works to be fined or imprisoned.
- 6 Jurisdiction of Magistrate in criminal cases. Sec. 2 of 19th Vic. cap. 57, partly repealed.

Passed 17th June 1867.

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

1. In addition to the sixth Section of the said recited Act, it shall be the duty of the several Policemen belonging to the Police Force in the Parish of Portland aforesaid, to report to the Police Magistrate all persons guilty or suspected of being guilty of any breach of the provisions of an Act passed twenty fourth Victoria, Chapter twenty three, to regulate the sale of Spirituous Liquors in the City and County of Saint John; and all persons so offending against the said last recited Act shall and may be dealt with by the said Police Magistrate, in all respects as at present under the said last recited Act.

2. So much of the fourteenth Section of Chapter twenty three, of twenty fourth Victoria, as is inconsistent with this Act, shall be and the same is hereby repealed, and the list therein required to be transmitted to the Town Clerk of the said Parish by the Clerk of the Peace, shall in lieu thereof be furnished to the Police Magistrate of the said Parish.

3. It shall be the duty of the Police in the said Parish of Portland to carry into effect any regulation of the Sessions of

the City and County of Saint John, imposing a tax on dogs in the Parish of Portland, and to collect any tax so imposed, and pay the same over to the Portland Police Magistrate, and to report to the said Police Magistrate all persons in the said Parish refusing or neglecting to pay such tax after such notice as may be provided for in the said regulation, and to report all persons keeping dogs in the said Parish contrary to any such regulation, all of whom shall and may be dealt with by the said Police Magistrate, and fined in accordance with the provisions of such regulation, and all moneys collected under any such regulation, whether for fines or taxes, shall go into and form a part of the Police and Light Fund for the said Parish of Portland.

4. And the said Magistrate mentioned in the thirteenth and fourteenth Sections of said Act shall have jurisdiction in actions for any kind of debt, and in actions of debt upon specialty for a sum certain to be paid at a specified time where the amount claimed does not exceed eighty dollars; and where the dealings between the parties have exceeded eighty dollars, the plaintiff's claim may be reduced by payment or abandonment so as to bring it within the jurisdiction hereby created; the said Magistrate shall also have jurisdiction in all actions of tort to real and personal property whether the damages shall be immediate or consequential, where the damages claimed do not exceed sixteen dollars.

5. Any person who shall wilfully break or cause to be broken any water pipe, water hydrant, fire hydrant, or any other thing belonging to or in connection with the Water Works in the Parish of Portland, shall, on conviction thereof before the Police Magistrate sitting at the Police Office in the Parish of Portland, be liable to a fine of not more than fifty dollars nor less than eight dollars, and for non-payment thereof, it shall be lawful for the Police Magistrate to commit the offender to the common gaol or Provincial Penitentiary for any term not exceeding three calendar months.

6. When any person shall be charged with any larceny, or any offence of receiving stolen goods, whenever the value of the property stolen shall not exceed twenty dollars, it shall be lawful for the said Police Magistrate forthwith to hear and determine such offence, and upon conviction to commit the offender to the common gaol of the City and County of

Saint John, or to the Provincial Penitentiary, in the discretion of the said Magistrate, for any term not exceeding six months; and any thing in Section two of an Act passed nineteenth Victoria, Chapter fifty seven, inconsistent with this Act, shall be and the same is hereby repealed.

CAP. XXXVII.

An Act to prevent Non-Resident Pedlars travelling and selling within this Province without Licence.

Section	Section
1. Non-resident Pedlars not to sell without licence.	6. Penalty for selling smuggled or prohibited goods.
2. County Treasurers to grant licences and account to Receiver General.	7. Penalty for forging or travelling with forged or counterfeit licence.
3. Penalty for trading without licence.	8. Act not to affect cities of Saint John and Fredericton, and town of Woodstock. Form.
4. Licence, when to be produced.	
5. Penalties, how recovered, &c.	

Passed 17th June 1867.

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

1. No non-resident person shall vend or sell goods from place to place throughout this Province without an annual Licence first had and obtained for that purpose from the Treasurer or the Deputy Treasurer of any County therein, for such Licence he shall pay the sum of thirty dollars.

2. The said Treasurers or Deputy Treasurers respectively, are authorized to grant such Licence (A) and receive the Licence Fee, which Licence Fee he shall account for to the Receiver General; he shall also keep a register of the Licences issued, a copy of which, shewing the amount collected, he shall transmit annually to the Auditor General.

3. Every non-resident aforesaid shall, if found trading without a Licence, or contrary thereto, for each and every offence forfeit and pay the sum of twenty dollars.

4. Every such person so trading, on demand made by the Treasurer, or any Deputy Treasurer, Justice of the Peace, Sheriff, or Town or City Clerk, or by any person with whom he shall be trading, shall produce and shew his Licence under which he is at the time selling, under a penalty of sixteen dollars.

5. All penalties under this Act shall be recovered under and by virtue of Chapter 138, Title xxxvii, of the Revised Statutes, 'Of Summary Convictions,' and when recovered shall be paid to the County or City Treasurer where collected for the use of the said City or County.

6. If such person shall be convicted of knowingly dealing, vending or selling any smuggled, contraband, or prohibited goods, fraudulently or dishonestly procured, either by themselves or through the means of others, or with their privity or knowledge, such person shall, on conviction thereof, forfeit his Licence, and shall thereafter be incapable of obtaining or holding a new Licence, or dealing or trading under the same, over and above all such forfeitures, fines and penalties, which he is by law subject for such illicit and unlawful dealing.

7. If any person shall forge or counterfeit any Licence by this Act directed to be granted, or travel with or produce any forged or counterfeit Licence for the purposes aforesaid, every such person on conviction thereof shall be liable to the like pains and penalties as persons guilty of forgery, or writing or making any forged instrument within this Province, are now by Law liable.

8. Nothing herein contained shall be construed to interfere with the rights and privileges given to the Cities of Saint John and Fredericton and Town of Woodstock by their respective Charters.

(A)

PROVINCE OF NEW BRUNSWICK.

No. _____

Be it remembered, that A. B., a non-resident of this Province, having this day paid to me the sum of thirty dollars, Licence is hereby granted to the said A. B., a non-resident, to use the occupation of a Hawker or Pedlar throughout this Province, pursuant to the Act of Assembly passed in the thirtieth year of the Reign of Queen Victoria, intituled *An Act to prevent Non-Resident Pedlars travelling and selling within this Province without Licence*; this Licence to continue and be in force for one year from this date, and no longer.—Given under my hand this

day of A. D. 18

C. D., *Dep. Treas. County of*

CAP. XXXVIII.

An Act to provide for the inspection of Petroleum and Coal Oils and Burning Fluids, and other Oils and Fluids analagous thereto, and to regulate the manufacture and sale thereof.

Section

Section

1. When and where Inspectors to be appointed, their duty.

2. Governor in Council to appoint and make regulations.

Section	Section
3. When casks to be marked 'unsafe.'	7. Imported oil to be inspected and marked under penalty.
4. Penalty for misconduct or negligence of Inspector.	8. No person to sell oil not inspected and marked, or marked 'unsafe,' except for re-manufacture or exportation under penalty.
5. Penalty for improperly marking, or using marked cask, adulterating oil, or erasing mark.	9. Who may examine oil or fluid.
6. Penalty for selling oil manufactured in this Province not inspected, &c.	10. When Act to be in force.

Passed 17th June 1867.

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

1. There shall be appointed on or before the first day of September annually, one or more persons for each Port of Entry in this Province, and for such other Districts or places therein where such appointments may be necessary, to be Inspectors of Petroleum and Coal Oils, and Burning Fluids, and other Oils and Fluids analagous thereto, who shall be sworn to the faithful discharge of their duties, and it shall be their duty, when requested, to inspect such oils and burning fluids by applying the fire-test with G. Tagliabue's Pyrometer, or some accurate instrument, to ascertain the lowest point or temperature in degrees of Fahrenheit's thermometer, at which such oils and fluids respectively may be found to give off vapours that will ignite or explode on the application of a lighted match thereto, and they shall cause every vessel or cask thereof by them so inspected to be plainly marked by the name of such Inspector, the date of inspection, and the number of degrees representing the temperature at which the respective contents thereof may be found to give off vapours as ascertained as aforesaid.

2. The appointment of such Inspectors shall be made by the Governor in Council, who from time to time may rescind such appointments, and other appointments make; and the said Governor in Council may make regulations respecting the fees to be taken and received by the said Inspectors respectively, and by whom to be paid, and in what manner the same shall be paid, and from time to time, when they may deem it desirable so to do, to rescind, alter, amend or add to any or all such regulations, and other regulations make.

3. Whenever any cask or vessel of such oil or fluid will not bear the fire-test of at least one hundred and ten degrees Fahrenheit, without giving off vapour that will ignite or explode on application thereto of a lighted match, the same

shall be marked as aforesaid, and shall also be marked by the inspector thereof, "unsafe for illuminating purposes."

4. If any Inspector shall knowingly put false marks upon any such cask or vessel of such oils or fluids inspected by him, or be guilty of fraud, deceit or culpable negligence in inspecting such oils or fluids, he shall be guilty of a misdemeanour, and shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

5. If any person shall without authority of law, place an inspection brand or mark upon any cask or package containing such oil or fluid, or shall knowingly use any such cask or package bearing the Inspector's brand or mark, without having the oil or fluid contained therein inspected, or shall adulterate or mix such oil or fluid after inspection, with intent to sell the same, or shall erase any brand or mark placed thereon by the Inspector before the oil or fluid is removed therefrom, he shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, in the discretion of the Court.

6. Every person and Corporation engaged in manufacturing within this Province any such petroleum or coal oil or burning fluid, or other oil or fluid analagous thereto, shall cause every cask or vessel thereof to be inspected and marked as aforesaid by a sworn Inspector, and if any agent or officer of any Corporation, or any other person whomsoever, shall manufacture and sell within this Province any such oil or burning fluid without first causing it to be inspected and marked as aforesaid, he shall be guilty of a misdemeanour, and shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

7. Every importer of Petroleum or coal oil or burning fluid, or other oils or fluids analagous thereto, or holder of any such oil or fluid which shall not have been duly inspected and marked as aforesaid, shall cause the same to be inspected and marked, or if he shall neglect so to do, shall be guilty of a misdemeanour, and shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

8. No person whomsoever shall sell within this Province any petroleum or coal oil or burning fluid, or other oil or fluid analagous thereto, without first causing the contents of each cask or vessel thereof to be duly inspected, and each cask or vessel containing the same to be marked as aforesaid, unless it has already been so inspected and marked within this Province, and if any person whomsoever shall sell any petroleum or coal oil or burning fluid, or other oil or fluid analagous thereto, that has not been so inspected and marked, or that has been so inspected and so marked as "unsafe for illuminating purposes," except for the purposes of manufacture or exportation, he shall be guilty of a misdemeanour, and shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

9. The Mayor, Aldermen, Police Magistrate, Chief of Police, or any Policeman of any City or Town, or any one of them, or any Justice of the Peace, shall have the right at all times to examine any or all such petroleum or coal oil or burning fluid, or oil or fluid analagous thereto, kept in their respective Cities, Towns or Counties for sale, and to cause the same to be inspected, and it shall be their duty so to examine such oils and fluids, and cause them to be inspected in all cases where they shall be informed or believe any such oils or fluids are kept for sale in violation of the law; and if they shall find any person or persons keeping or selling any such oils or fluids in violation of the provisions of this Act, it shall be their duty to cause such persons to be prosecuted therefor; provided that the provisions of the seventh Section of this Act shall not be in force until the first day of August one thousand eight hundred and sixty seven, and also that the provisions of the third, fourth, fifth, sixth, eighth, and ninth Sections of this Act, shall not be in force until the first day of September one thousand eight hundred and sixty seven.

CAP. XXXIX.

An Act in addition to an Act intituled *An Act to authorize the Corporation of the City of Saint John to become Shareholders in the European and North American Railway Company for extension from Saint John westward.*

Section.

1. Corporation may subscribe for additional shares.

Section.

2. Corporation to borrow money.

3. Debentures issued; for what amount.

Section

4. Debentures negotiable; Interest, how paid.
5. Money loaned paid to Chamberlain, and paid out by him for stock.
6. Inhabitants on eastern side of harbour to be assessed for interest; amount, and how collected.

Section

7. When assessment may be made on western side of harbour, and for what amount.
8. Surplus to be applied towards paying off Debentures.
9. Act not to be in force until so declared by Common Council.

Passed 17th June 1867.

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, if they shall think fit so to do, from time to time to subscribe for, purchase and become shareholders and proprietors of such and so many of the shares in the capital stock of the European and North American Railway Company for extension from Saint John westward, as the Common Council of said City may from time to time determine, not exceeding in the whole one thousand shares, being fifty thousand dollars in addition to the sum authorized to be by the said Mayor, Aldermen and Commonalty taken, by the Act of Assembly thirtieth Victoria, Chapter 23, with all the rights and powers appertaining to such stockholders.

2. The said Mayor, Aldermen and Commonalty of the City of Saint John are hereby authorized and empowered to borrow such sum and sums of money as may from time to time be required for the purchase and payment of such shares of the said stock, not exceeding in the whole the sum of fifty thousand dollars, to be paid and applied in the purchase of such stock, and for no other purpose whatsoever.

3. The said sum and sums of money shall be borrowed in loans of not less than four hundred dollars each, and Debentures payable in thirty years from the time when such sum and sums may be borrowed, shall be issued to the person or persons from whom any such loans may be obtained, and in such form as the said Mayor, Aldermen and Commonalty may deem expedient, with coupons for interest payable half-yearly, which Debentures shall be sealed with the Common Seal of the said Corporation and signed by the Mayor and Common Clerk, and shall be numbered consecutively, according to the order in which the same shall be issued, and the coupons for interest shall be signed by the Mayor and Common Clerk, and a record thereof shall be kept by the Common Clerk.

4. The said Debentures so to be issued under the provisions of this Act, shall be negotiable in the same manner as Promissory Notes, payable to bearer, and the holder thereof shall be entitled to receive interest on the same semi-annually at the rate of six per centum per annum, to be paid by the Chamberlain of said City out of the funds as hereinafter provided.

5. All moneys loaned to the Corporation under this Act shall be paid by the lenders thereof to the Chamberlain, and shall be paid out by him on the orders of the Common Council, from time to time in the purchase of such stocks.

6. It shall and may be lawful for the Common Council of the said City, and they are hereby authorized and required to order an assessment upon that part of the City of Saint John on the Eastern side of the Harbour, and the inhabitants thereof, of such sum and sums of money as may be required in any year to meet the interest on such Debentures, not exceeding in any year the sum of three thousand six hundred dollars, which sum and sums of money in every year in which the same shall be ordered, with the expenses of assessing and collecting, shall be assessed, levied and collected in the same manner as any assessment under the "Saint John City Assessment Act of 1859," and the several Acts in force in amendment thereof, and when collected shall be paid over to the Chamberlain of said City for the purposes of this Act.

7. Whenever and so soon as the said European and North American Railway Company for extension from Saint John westward shall lay and build a line or branch of such Railway extending from the main line of such Railroad into that part of said City of Saint John called Carleton, on the Western side of the Harbour, then and from and after the completion of such line or branch line, one fifth part of the amount of the assessment ordered and required in every year thereafter, with the expenses of collecting the same, shall be assessed, levied and collected on that part of the City of Saint John on the Western side of the Harbour, and the inhabitants thereof, towards the interest on the Debentures issued under this Act, and the City on the Eastern side shall be relieved from such one fifth of such assessment.

8. The moneys so assessed as aforesaid, and also all moneys, dividends, interest and profits to arise and accrue or to be received in respect of the said shares of stock to be so purchased as aforesaid, shall from time to time be applied, after discharging the half-yearly interest due on the several principal sums secured by such Debentures, in payment of such Debentures as they become due.

9. Nothing in this Act contained shall have any force or effect until the same has been approved, accepted and declared to be in force by the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, at a meeting for that purpose to be specially held.

CAP. XL.

An Act to incorporate the Saint John Mercantile Marine Assurance Company.

Section.

- 1 Incorporation of Company.
- 2 What Insurances may be made.
- 3 What Estate may be held.
- 4 What vessels, &c. Company may hold; not to trade generally.
- 5 Capital Stock.
- 6 When and to whom paid.
- 7 When to commence business.
- 8 First general meeting, how called; Election of President, &c.
- 9 Annual meeting; choice of officers.
- 10 Quarterly meetings; statement of affairs.
- 11 Power of President and Directors.
- 12 Board, how constituted.
- 13 President & Directors, how compensated.
- 14 Qualification of President, &c.
- 15 Secretary to give security.
- 16 Quorum of stockholders; number of votes, and how given.

Section

- 17 President and Directors, how chosen at irregular times.
- 18 Vacancies, how filled.
- 19 Policies, &c. how signed; losses, how settled; amount of risks.
- 20 Investment of capital, &c.; disposal of surplus interest.
- 21 Capital, how increased.
- 22 Annual dividend.
- 23 When capital applied to pay losses; when Company to wind up.
- 24 Stock certificates; transfer of shares.
- 25 Liability of President & Directors.
- 26 What responsible for debts.
- 27 Annual statement of affairs.
- 28 Books, &c. subject to inspection.
- 29 When policy holders may participate in profits.
- 30 Bye laws, &c. where filed, how proved.
- 31 Shares liable to seizure; proceedings thereon.

Passed 17th June 1867.

WHEREAS the establishment of Marine Assurance Companies is of great public utility, and tends to encourage and protect the trade of this Province; and whereas the several persons hereinafter named, are willing and desirous to establish and maintain such a Company, but the same cannot be effected without the aid of the Legislature;—

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

1. That Honorable John Robertson, Honorable Alexander McL. Seely, John W. Cudlip, J. V. Troop, William A. Robertson, Thomas E. Millidge, Henry C. Fairweather,

William Davidson, William W. Turnbull, Stephen S. Hall, J. Walter Scammell, Howard D. Troop, and Zebedee Ring, their associates, successors, and assigns, shall be and are hereby erected into a body politic and corporate by the name of "The Saint John Mercantile Marine Assurance Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Acts of Assembly in this Province, for the purpose aforesaid.

2. The said Company shall have power and authority to make with any person or persons, all and every Insurance connected with marine risks, and risks of navigation and transportation by water or railway, against any loss or damage of or to any shipping, vessel, steamer, boat, or other craft whatsoever, wheresoever or withersoever proceeding, and of and to any cargo, goods, moneys, wares and merchandize, or other property and effects of any description, borne or carried by water or by railway, and of and to any freight, profit, commission, bottomry or respondentia interest, and to cause themselves to be re-insured when deemed expedient, against any loss or risk on which they may have made or make insurance, and generally to do and perform all other necessary matters and things relating to such objects.

3. The said Company may purchase, have and hold to them and their successors, any real or leasehold estate, lands and tenements which shall be necessary for their immediate accommodation, and the transaction of their business, not exceeding in value in the whole the sum of ten thousand dollars, and may sell and dispose of the same, and acquire others in lieu thereof; and may take and hold any other real or leasehold estates, *bona fide* mortgaged and hypothecated to the said Company by way of security, or conveyed to them in satisfaction or payment of any debt previously contracted in the course of their dealings, or purchased at sales upon judgments which shall have been obtained for such debts, and may sell and dispose of, and convert the same into money or property, authorized to be held under this Act.

4. The said Company may take, hold, receive, purchase and enjoy any vessels insured by them in part or in whole, and vested in them by abandonment, and also any stranded or wrecked vessels, goods, wares or merchandize whatsoever insured by them and sold for the benefit of the underwriters,

and may sell and dispose of the same at such time or times, and in such manner as the Directors of the said Company may direct and appoint; but the said Company shall not deal in any goods, wares and merchandize, other than such as they shall become possessed of by virtue of any insurance made thereon, or which may be abandoned to them.

5. The capital stock of the said Company shall be a paid up cash capital of twenty thousand dollars lawful money of New Brunswick, in two hundred shares of one hundred dollars each, which shares shall be numbered in arithmetical progression, beginning with number one, and shall be respectively distinguished by the numbers affixed to them; which capital stock may be from time to time increased from the profits and net earnings of the Company as hereinafter provided, to an amount not exceeding one hundred thousand dollars, which shall be added to, and shall increase the value of the several shares of the said Company's stock then already issued.

6. All subscribers for a share or shares in the said capital stock, shall previously to the day of the first general meeting of stockholders, pay the full amount of their subscriptions to such person as the major part of the parties named in the first section of this Act shall by public notice nominate to receive the same.

7. That the said Company shall not go into operation or commence business until the full cash capital of twenty thousand dollars shall have been subscribed and paid up as last aforesaid, and until a certificate of such payment having been made, verified by the oath of any three of the said parties named in the first Section of this Act (which oath any Justice of the Peace is hereby authorized to administer) shall be filed in the office of the Secretary of this Province.

8. Whenever the said capital stock of twenty thousand dollars shall have been subscribed and paid up, and a certificate of such payment shall have been filed as in the last Section is provided for, a general meeting of the stockholders of the said Company, or of the major part of them, shall take place, by notice thereof in two of the public newspapers published in the City of Saint John, previously to such meeting, which said notice, the first three persons named in the first Section of this Act, or either of them, is hereby em-

powered to give, for the purpose of making and establishing such bye-laws, rules and regulations for the good order and management of the affairs of the said Company, and for the management and disposition of its stock, property, estate and effects, as they shall deem necessary and proper; and also for the purpose of choosing six Directors, being members and stockholders of the said Company, under and in pursuance of the rules and regulations hereafter made and provided; which Directors shall, as soon thereafter as may be convenient, meet together and choose out of their number a President, and shall also appoint at the same time or at any future meeting a Secretary, and so many and such other officers, servants and agents for carrying on the business of the said Company, as they shall deem requisite and necessary, and shall commence the business of the said Company subject to the rules and regulations thereof, and shall serve as such Directors as aforesaid until the first meeting for the choice of Directors as hereinafter named, or until others shall be chosen in their room.

9 There shall be a general annual meeting of the members and stockholders of the said Company held on the second Tuesday in January in each and every year after the passing of this Act, at the City of Saint John; at which annual meeting there shall be chosen by the majority of the members and stockholders of the said Company then present or represented by proxy, out of the stockholders and members of the said Company, a President, who shall continue in office one year, or until another shall be chosen in his room; and there shall also be then and there chosen five Directors, who shall remain in office for one quarter of a year, or until others shall be chosen in their stead; on the choice of President and Directors, the members and stockholders of the said Company shall vote according to the rule hereinafter mentioned.

10. There shall be quarterly meetings of the members and stockholders of the said Company held at the office of the Company in each and every year, namely, on the second Tuesday in July, October, January, and April, for choosing five Directors, who shall serve and be Directors for the quarter then next ensuing, or until others shall be chosen in their stead, at which meetings a statement of the business of

the preceding quarter shall be laid by the Directors before the stockholders, specifying the aggregate amount of risks taken and the premiums thereon, with a statement of any losses then known.

11. The President and Directors for the time being shall have full power in all things to administer the affairs of the said Company agreeably to this Act of Incorporation, and to carry into effect such bye laws, rules and regulations as the stockholders and members thereof may from time to time establish, and also to do and execute all other matters and things that may be requisite and necessary for the benefit of the said Company, and also shall have power to appoint and to remove at pleasure, a Secretary and such other officers, servants and agents as they or the major part of them shall think necessary, and shall allow the said Secretary, servants and agents such compensation for their respective services as to them the said President and Directors shall appear reasonable and proper; all which, together with the expense of house or office rent, and all other contingencies, shall be defrayed out of the funds of the said Company.

12. Any three or more of the Directors, of whom the President shall be one, shall be a quorum, and form a Board for the purpose of transacting and managing the details of the business and affairs of the said Company; in case of the sickness or necessary absence of the President, the Directors shall choose one of their number as Chairman for the time being; and at all meetings of the Board of Directors, all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President or Chairman shall give the casting vote in addition to his proper vote as Director.

13. The President and Directors shall not be entitled to any fixed salary or emolument for their services, but the stockholders may make to them such compensation as to the stockholders shall appear reasonable and proper.

14. No person shall be eligible for President or Director unless he is a stockholder, and holds not less than five shares of the capital stock of the said company in his own right.

15. Every person hereafter to be appointed Secretary of the said Company shall, before he enters upon the duties of his office, give a bond to the said Company, with two or

more sufficient sureties, to the approval of the Directors, in a sum not less than ten thousand dollars, and conditioned for the faithful performance of his duties as such Secretary.

16. At all general meetings of the said Company fifteen shareholders shall form a quorum, and the President, or in his absence one of the Directors, shall preside; each shareholder of stock shall be entitled to one vote for each share held by him or her in his or her own name, and all votes given at any meeting may be either personal or by proxy, provided that such proxy be a shareholder, and do produce an authority in writing under the hands of the shareholders nominating such proxy, and provided that no shareholder shall hold at any one time, more than five votes by proxy; and in case of an equality of votes on any question, the chairman shall have the casting vote in addition to his vote as a shareholder.

17. If it shall happen at any time or for any cause that an election of President and Directors or either of them shall not be made on any day when pursuant to this Act or the bye laws of the said Company it ought to have been made, the said Company shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be directed and required by the bye laws of the Company.

18. If the President or any Director of the said Company shall die, resign, or become disqualified or incompetent to act, the remaining Directors, if they think proper so to do, may elect in the place of such President or Director any stockholder duly qualified, to fill such vacancy, and the stockholder so elected shall serve until another shall be chosen in his stead.

19. All policies, checks or other instruments issued or entered into by the said Company shall be signed by the President, or in case of his death, absence, or inability to act, by any two of the Directors, and countersigned by the Secretary or in case of his absence, as otherwise directed by the bye laws of the Company; and being so signed and countersigned, shall be deemed valid and binding upon the said Company according to the tenor and meaning thereof, and all losses duly arising under any policy so subscribed and countersigned shall and may be adjusted and settled by the

Board of Directors, and the same shall be binding on the said Company, and shall be paid to the assured within sixty days after such adjustment; provided always, that the said Directors shall not in any case make insurance on any single risk to an amount exceeding one half of the paid up capital stock of the said Company; but in no case shall said Company make insurance on any single risk to an amount greater than fifteen thousand dollars, and that the actual amount of capital paid up and invested shall appear at the head of every policy in words to this effect:—

*Amount of capital paid up and invested, \$50,000,
(as the case may be.)*

20. The President and Directors of the said Company may immediately after the commencement of the business of the said Company invest the cash capital of the said Company, until the same be required for the purposes of the said Company, in public securities or evidences of debt, whether of Government or Municipal stock, bonds, or debentures, as the President and Directors may deem most expedient, and which in their opinion can be, if necessary, most speedily converted into money; and in like manner shall from time to time invest all sums received and set apart for the increase of the capital stock of the said Company as by this Act contemplated; and so much of the interest accruing from all such investments as shall not be required by the said Company for payment of losses shall be paid at half-yearly periods to the stockholders in proportion to their respective shares.

21. The President and Directors shall from time to time, so long as the cash capital remains unimpaired and sufficient to meet all immediate and prospective claims against the said Company, set apart all earnings and net profits of the said Company (except the interest on investments hereinbefore provided for) for the purpose of increasing the capital stock of the said Company, and shall from time to time increase the value of the shares of the said Company by an appropriation therefrom to each share of an equal amount of decimal dollars.

22. After the capital stock of the said Company shall have been increased, by the means aforesaid, to the sum of one hundred thousand dollars, the Board of Directors, at each

annual general meeting, shall declare a dividend in favor of the stockholders out of the net profits of the preceding period, which dividend shall be paid in cash.

23. The President and Directors shall at any time when the same shall be needed, apply the cash capital stock invested, and any interest payable thereon, in payment of losses, and shall replace the same out of any net earnings set apart for increasing the said capital stock as before provided for; provided that such net earnings, when not so needed, shall continue to be applied in increasing the said capital stock to the contemplated amount of one hundred thousand dollars; should, however, the capital stock of the said Company, from any cause, become at any time reduced to less than five thousand dollars, the said Company shall forthwith discontinue business and wind up its affairs.

24. Certificates of stock shall be issued in such form, and the shares of the said Company shall be assignable and transferable in such manner, as shall be prescribed therefor by the bye laws and rules of the said Company; and no assignment or transfer shall be valid unless the same be entered and registered by its proper number in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; and whenever any stockholder shall transfer all his stock in manner aforesaid, he shall cease to be a member of the said Company.

25. In case of any loss or losses taking place which shall be equal to the capital stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, shall make any further policy or policies of insurance, they and their estates jointly and severally shall be accountable to the holder or holders of such policy or policies, for the amount of any loss which shall take place under such policy or policies.

26. The joint stock and property of the said Company shall alone be responsible for the debts and engagements of the same.

27. The Secretary of the said Company shall at each general annual meeting, to be held on the second Tuesday in January in each year, lay before the stockholders for their information, an exact and particular statement in triplicate,

of the state of affairs and business of the said Company, as they existed at three of the clock in the afternoon of the preceding day, and of their funds, property, and securities, also an account of their real estate, bonds, public debt, or other stock, and the amount of debt due to and by the said Company; which statement shall also specify the aggregate amount of risks at that time taken by the said Company, and the amount of losses incurred during the preceding year, together with the amount of surplus profits (if any) on hand, showing any and what increase of capital stock, and how invested and secured, with a particular statement of all other the affairs of the said Company, which return shall be signed by the Secretary of the said Company, who shall make oath or affirmation before some Justice of the Peace of the City and County of Saint John, to the truth of such return, according to the best of his knowledge and belief; and the Directors of the said Company, or a majority of them, shall certify and make oath or affirmation before a like Justice, that the books of the said Company then indicate the state of facts so returned by their Secretary, and that they have full confidence in the truth of the return so made by him; and the Secretary of the said Company shall immediately after such general meeting transmit such return and certificate to the Provincial Secretary, who shall lay the same before the Legislature at its then next meeting, for the information of the members thereof.

28. Any Joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Company, shall have free access to all the books and accounts of the same; and all the books, papers, correspondence, and all other matters and things belonging or relating to the said Company, shall at all times be open to the inspection of the Directors or any of them.

29. After the capital stock of the said Company shall have been increased to the sum of one hundred thousand dollars, it shall and may be lawful for the said Company, if two-thirds of the shareholders thereof, at a special meeting for that purpose held, shall deem it expedient, to allow to their policy holders a participation in the actual realized profits of the said Company, in such parts, shares, and proportions, and at such

times and in such manner as the said Company may deem advisable.

30. A copy of all the bye laws and rules of the said Company, certified by the Secretary of said Company, shall within two weeks after the same are made, be filed in the office of the Provincial Secretary, and a copy of the same, certified by the Provincial Secretary, shall be evidence in all Courts.

31. The shares in the capital stock of the said Company shall be liable to be seized and taken in execution and sold in like manner with other personal property; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Secretary of the said Company; and the shares in the capital stock of the said Company so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the Secretary of the said Company shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Company from the person or persons whose shares may be seized and sold; provided also, that the said Secretary shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer, a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Secretary.

CAP. XLI.

An Act to authorize the erection of a Sorting Boom on Eel River in the Counties of York and Carleton.

Section

- 1 Authority to erect Sorting Boom.
- 2 Boom to secure lumber.
- 3 When lumber to be sorted and Boom opened.

Section

- 4 Remedy for neglect or delay.
- 5 Penalty for injuring Booms.
- 6 Act to extend to owners of Mills.
- 7 Limitation.

Passed 17th June 1867.

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

1. That the Honorable John M'Adam, Hugh M'Adam, John M'Adam, Junior, and Andrew M'Adam, of the Parish of Saint Stephen, in the County of Charlotte, the Proprietors of Mills erected on Eel River, are authorized to erect and maintain a Boom across the said River above their Mills on the said River, for the purpose of stopping, collecting together, and sorting timber, logs, masts, spars and other lumber which may float down the Eel River, and for the purpose of selecting and separating therefrom all timber, logs, masts, spars and other lumber belonging to the said John M'Adam, Hugh M'Adam, John M'Adam, Junior, and Andrew M'Adam.

2. The said parties above named are hereby authorized to erect and maintain a Boom across the said River in such way and manner for the purpose of protecting and securing the timber, logs and lumber for the use of the said Mills.

3. It shall be the duty of the said parties, while the said Boom is kept and maintained across the said River, and whenever any timber, logs or other lumber coming down the said River is stopped by such Boom, and after twenty four hours notice in writing to the said parties, to cause the said timber, logs or other lumber to be examined and sorted each day, (except Sundays,) and to select therefrom without any reasonable delay, all the timber, logs or lumber belonging to the said parties, and to place the same within their side Boom, to be erected for that purpose, or otherwise to remove the same, and to allow all the remainder of such timber, logs or other lumber to float down the said River to and over the waste way at the said mill dam of the said parties in the manner now accustomed.

4. If any person shall sustain any damage by the neglect or unreasonable delay of the said parties, their servants or agents, in carrying out the directions contained in the third Section of this Act, such person may maintain an action on the case against the said parties or their superintendent.

5. If any person shall wilfully destroy or injure the said Booms, or either of them, or any of the piers thereof, or works connected therewith, such person shall be liable to a penalty not exceeding forty dollars, to be recovered, with costs of prosecution, before any Justice of the Peace of the Counties of York or Carleton, in the manner directed by

the Revised Statutes, Title, xxxviii, Chapter 138, 'Of Summary Convictions.'

6. All the rights, powers and privileges given by this Act to and vested in the said parties, and all the duties and liabilities by this Act imposed upon the said parties shall vest in and attach to their heirs and assigns, being the owners of the said Eel River Mills, as fully and effectually in all respects as the same are given to and vested in and attach to the said parties.

7. This Act shall continue and be in force for the period of ten years and no longer.

CAP. XLII.

An Act to amend the Act to incorporate the Peoples Bank of New Brunswick.

Section

- 1 & 2 When profits may be added to shares.
3 Power to increase capital stock not curtailed; value of additional shares.

Section

- 4 Parts of incorporation Act repealed.
5 No additions to shares until stockholders make byelaws.
6 Limitation.

Passed 17th June 1867.

WHEREAS it has been deemed desirable that the Directors of the said Bank should have the further powers hereinafter mentioned;—

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

1. The Directors of the said Bank may, when the reserved profits of the Bank amount to twenty per cent. of the paid up capital thereof, by Resolution, add such twenty per cent. or such part thereof as they see fit, proportionably to each share of stock; and each such share shall thereupon represent as paid up capital its original value of fifty dollars, with the amount so added, and the amount of reserved profits so added shall from thence cease to be included in any future semi-annual return as reserved profits.

2. That at each successive accretion of reserved profits to the extent of twenty per cent. of paid up capital, the Directors may by resolution as aforesaid, in like manner add such profits, or such part thereof as they see fit, to each share proportionably; and each share shall in such case from the time of such addition be paid up capital to the extent which it may represent at each successive addition of reserved

profits; and at every such addition of reserved profits the amount added shall from thence cease to be included in any future semi-annual return as reserved profits.

3. Provided always, that nothing in this Act contained shall curtail or limit the power to increase the capital stock of the said Bank, by the additional issue of stock to the extent of twelve hundred shares, under the provisions of the thirty eighth Section of their Act of Incorporation; but each additional share of increase, should any reserved profits have been added to a share as aforementioned before the issue of additional shares, shall in such case be of the value that each paid up share represents at the time of the issue of such additional shares, so as to make each additional share of the same value as an original share and added profits.

4. All such parts of the Act of Incorporation of the said Bank as are inconsistent with the provisions of this Act are hereby repealed.

5. No such addition shall be made until the stockholders, or a majority of them, shall fix and determine the same by a bye law or bye laws to be made therefor.

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

CAP. XLIII.

An Act to incorporate the Woodstock Bridge Company.

Section

- 1 Incorporation of Company.
- 2 Capital.
- 3 First meeting for choice of Directors.
- 4 Annual meeting.
- 5 Bye laws.
- 6 Liability for debts.
- 7 Building Bridge, and making roads.
- 8 Compensation for lands, &c.
- 9 Gates, &c. to be erected, and tolls taken.
- 10 Crossing Bridge, in what manner.

Section

- 11 Penalty for evading toll.
- 12 Penalty for malicious injury to works.
- 13 Mails, and Soldiers on duty, free; Company not liable to assessment.
- 14 Annual statement of affairs.
- 15 Company may sue for assessments.
- 16 How to declare in actions.
- 17 Government may take Bridge.
- 18 Navigation of River St. John not to be obstructed.
- 19 Bridge to be completed in three years.

Passed 17th June 1867.

WHEREAS it is deemed advisable to construct a Bridge across the River Saint John at Woodstock, and such a Bridge is much required and would be highly useful to the public in general, and it is thought advisable to incorporate such persons as may be willing to construct the said Bridge, and grant them all necessary privileges for that purpose, and maintaining the same;—

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

1. That the Honorable Charles Connell, Honorable Charles Perley, William Lindsay, M. P. P., Lewis P. Fisher, James R. Hartley, John Leary, David Munro, Edward J. Smith, George H. Connell, William S. Shea, William T. Baird, James Gordon, George M'Donough, James Grover, George W. Vanwart, F. R. J. Dibblee, T. W. Longstaff, Frank Rankin, Charles P. Connell, M. D., and William Dibblee, and such other persons as shall from time to time become proprietors of shares in the Company hereby established, their successors and assigns, shall be and they are hereby erected into a body politic and corporate by the name of "The Woodstock Bridge Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly.

2. The capital stock of the said Corporation shall be eighty thousand dollars, and shall be divided into four thousand shares of twenty dollars each, to be paid at such times and in such instalments as the business of the Company shall require, provided that ten per centum on at least twenty thousand dollars of the said capital stock, amounting to two thousand dollars, shall be actually paid in and invested in the business of the said Corporation in three years from the passing of this Act; and the Corporation shall, when necessary, have leave to extend the said capital stock to the sum in all of one hundred thousand dollars, and shall have power to increase the number of shares accordingly.

3. The first meeting of the said Corporation shall be held in Woodstock, and shall be called by any two of the Corporators by giving thirty days notice of such meeting in the Carleton Sentinel newspaper, for the purpose of choosing Directors necessary for the management of the affairs of the Company, which Directors so chosen shall serve until the first annual meeting, or until others are chosen in their stead, and shall have power to manage the concerns of the said Corporation.

4. The annual meeting of the Company shall take place on the first Tuesday in January in each and every year, and shall be held in the Town of Woodstock, for the purpose of choosing five Directors and transacting other business as here-

inafter provided for; which Directors so chosen shall remain in office for one year, or until others are chosen in their stead, and shall at the first meeting after their election choose one of their number President, and also a Secretary and such other officers as may be necessary to manage the affairs of the said Company; provided always, that no less than 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; and provided also, that in the event of the time of holding the annual meeting being found inconvenient, the stockholders shall and they are hereby authorized and empowered, at any annual meeting, to change the time of holding the same.

5. The Company at the first meeting or some adjournment thereof, shall have power to make bye laws, rules and ordinances, prescribing the duties, powers and authorities of the Directors of the said Company, and for regulating the transfer, registry and forfeiture of shares, and the sale of forfeited shares, also the right of voting in respect to the number of shares held by each shareholder respectively, and for voting either personally or by proxy, and generally for the good order, conduct and government of the said Company, its affairs and business, as may be requisite and necessary.

6. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

7. It shall and may be lawful for the Company, and their successors, officers, and servants, and they are hereby authorized and empowered to design, erect, order, and build or cause to be built, and to complete, maintain, and keep in repair, the said Bridge across the River Saint John, at the Town of Woodstock, in the County of Carleton, at any point which may be deemed most advisable and fit for such Bridge, and to dig and make proper foundations in the lands and grounds lying on each side of the said River, and to cut and level the banks of the said River, in such manner as shall be necessary and proper for building the said Bridge, and to cut, remove, and take and carry away all and every impediment whatsoever, which may in anywise tend to hinder

the erecting and completing the said Bridge, and to execute all other things necessary and requisite, useful or convenient, for erecting, building or maintaining and supporting the said Bridge, according to the tenor and effect, true intent and meaning of the said Act; and further they may from time to time enter and go in upon the lands and grounds adjacent to the said River, on either side thereof, for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said Bridge; and further they may explore, lay out and make a road not more than four rods in width leading from either end of the Bridge to the main post road on either side of the said River; and further for the purpose of erecting, building, maintaining, repairing and supporting the said Bridge, the said Company shall from time to time have full power and authority to land on either side of the said River, within two hundred yards of the said Bridge, all materials and other things to be used in and about the same, and there to use and work such materials and things according as they the said Company, and the persons to be by them appointed, shall think proper, without any previous agreement with the owner or owners, tenant or tenants of the property on which such Bridge and every part thereof shall be built, or in and upon which such surveys, examinations and other arrangements may be made, or through which such roads may be explored, laid out, worked, and made, or on which such materials and other things shall be landed, worked, or used, doing as little damage as may be, and making such satisfaction as hereinafter mentioned to respective owners or occupiers of all lands and grounds, tenements and hereditaments which shall be used and occupied, altered, damaged, spoiled, taken or made use of by means of or for the purposes of this Act.

8. The said Corporation shall make, allow and pay reasonable and proper compensation and satisfaction for all lands, tenements and hereditaments taken and occupied, altered, damaged or spoiled by means of and for the uses and purposes of the said Corporation, to be agreed upon by the said Corporation and the respective owners and occupiers of such lands, tenements, and hereditaments; and in case of disagreement between the said Corporation and the said owners or

occupiers, or any of them, then such compensation and satisfaction shall be determined by three arbitrators, one to be chosen by the said Corporation, and one by the owner or owners, occupier or occupiers of the private property in question, which two arbitrators so chosen shall choose the third arbitrator; and in case of their not agreeing within ten days after their appointment, then and in such case it shall and may be lawful for the Governor, upon application of the said Corporation, to appoint the third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such private lands shall decline making such agreement, or appointing such arbitrators, then and in every such case the said Corporation shall make application to the Supreme Court of this Province, or some Judge thereof, stating the grounds of such application, and such Court or Judge is hereby empowered and required from time to time, upon such application, to issue a writ or warrant directed to the Sheriff of the County in which such lands lie, or in case of his being a party interested, then to any Coroner of such County not interested, and in case of the Sheriff and Coroner being both interested, then to some other person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons, as the case may be, to summon and empanel a jury of five freeholders within the said County who may be altogether disinterested, which jury upon their oaths, (which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence in the matter, the Sheriff, Coroner, or person or persons summoning such jury, is hereby empowered to administer,) shall enquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such private property as aforesaid; and the award, inquisition or verdict of such jury shall be filed and retained 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 the expenses of such proceedings to be taxed and allowed by the 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.

9. The said Company shall erect and set up, or cause to be erected and set up one or more gate or gates, turnpike or turnpikes, in, upon and across the said intended Bridge, or within twenty yards thereof, together with toll houses and proper necessary buildings, conveniences and fences near to each gate or turnpike across the said intended Bridge, or on the road or avenue immediately communicating therewith, and within twenty yards of the said Bridge, and the respective tolls following may be demanded and taken by such person or persons as the said Company shall from time to time appoint as toll gatherers, for each and every time of passing over the said Bridge, that is to say:—For every foot passenger not to exceed ten cents; for every horse, mare, gelding, mule, or ass, not exceeding twenty five cents; for every carriage drawn by one horse or beast of draught, with one person, not to exceed fifty cents; for every horse or beast of draught more than one, drawing a carriage, not to exceed sixty cents; for every person more than one with a carriage, not to exceed sixty cents; for neat cattle not to exceed ten cents; for sheep, calves, or hogs, not to exceed five cents each; provided always, that no toll be exacted from children under ten years of age; and the Corporation shall at all times by their bye laws regulate, alter and lessen the rate of tolls when deemed advisable for the interests of the Company, but in no case to exceed the rates herein specified; and all times when the toll gatherer shall not attend to his duty the gate or gates shall be left open; and the toll shall be collected in such manner as may be prescribed by the said Corporation: The rates of toll shall be fairly and legibly printed in large letters, and kept constantly exposed to the view of passengers.

10. No horse, or beast, or carriage of any kind, shall be taken, rode or driven over the said Bridge at a faster pace than a walk, on pain of a forfeiture of four dollars for each and every offence, to be recovered with costs of prosecution against the owner or driver of such horse or beast, before any Justice of the Peace for the County of Carleton, on the complaint of the toll gatherer, or any proprietor of stock in

the said Company, on proof of the toll gatherer, who is hereby declared to be a competent witness, or any other legal proof, the amount when recovered to be applied to the use of the said Corporation.

11. Any person who shall run or evade the payment of toll (from) crossing the said Bridge, shall forfeit and pay for the use of the said Corporation, a sum not exceeding ten dollars for each and every offence, to be recovered, together with the toll and costs of suit, as is directed in the last preceding Section of this Act.

12. If any person shall wilfully and maliciously, and to the prejudice of the said undertaking, break, damage, throw down or destroy any of the works to be erected or made by virtue of this Act, any such person shall be adjudged guilty of felony; and every such person so offending and being thereof lawfully convicted, shall be liable to the punishment prescribed for felony by the laws of this Province.

13. No toll whatever shall be demanded or taken for horse, beast, cattle or carriage of whatever description employed or to be employed in conveying, fetching or guarding mails of letters and expresses under the authority of Her Majesty's Postmaster General, or the duly authorized Post Office authorities in this Province, or the Provincial Government, either when employed in conveying, fetching or guarding the same, or for any soldiers upon their march, or upon duty, or for any horse, cattle or carriages attending them with their arms or baggage, or returning after having been so employed, nor for any waggon, cart, or other carriage whatsoever, or the horse or horses or other cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other public stores of or belonging to Her Majesty's service; and no poor or other rates shall be assessed or levied upon the said Company for or on account of the said Bridge and its appurtenances.

14. The Directors shall at the general annual meeting of the Company in each and every year lay before the stockholders, for their information, an exact and particular statement of the state of the affairs and business of the said Company, agreeably to the several regulations of this Act, so as the same may contain a true account of the whole affairs of the said Company, which statement shall be signed by the Directors and attested by the Secretary.

15. If any shareholder shall fail to pay the amount of any assessment made by the said Company, or any part thereof, it shall be lawful for the said Company to sue such shareholder for the amount thereof, or so much thereof as may be and remain due and owing thereon, in any Court of Law or Equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such assessment was payable, with costs of suit.

16. 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 the said Company to declare that the defendant is the holder of one or more shares in the said Company, [*state the number of shares,*] and is indebted to the said Company in the sum of money to which the assessment or assessments in arrear shall amount, in respect of one assessment or more upon one share or more in the said undertaking, and that such assessment was in fact made; and it shall not be necessary to prove any other matter whatsoever, and thereupon the said Company shall be entitled to recover what shall be due upon such call, and interest thereon.

17. Should the Provincial Government at any time after the passing of this Act, be willing and desirous of assuming the said Bridge, and placing the same upon the Great Road establishment of this Province for the free use of all Her Majesty's subjects, and pay to the said Corporation the whole costs and outlay in and about its erection and maintenance, then and in such case the said Corporation shall yield and surrender up to the Provincial Government the said Bridge, with all things appertaining thereto, together with this Act, and such Corporation from that time shall cease and have no longer any existence.

18. Nothing in this Act contained shall in any way interfere with the navigation of the River Saint John, or authorize any obstruction thereof.

19. If the said Company shall not within three years from and after the passing of this Act, complete the said Bridge, or so far as to make the same passable for horses and carriages, then and from thenceforth all and singular the powers and authorities vested in them by this Act shall cease and determine to all intents and purposes whatsoever.

CAP. XLIV.

An Act to incorporate the British and American Telegraph Company in New Brunswick.

Section

- 1 Incorporation of Company; Telegraph lines.
- 2 Capital.
- 3 First meeting, how called.
- 4 Power to enter on public roads, &c.
- 5 May enter on private property, &c.; compensation to owners.

Section

- 6 Tolls.
- 7 Governor to have preference.
- 8 Joint stock alone liable for debts.
- 9 Injury to property, how punished.
- 10 Liability in case of transfer.

Passed 17th June 1867.

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

1. That Sir David Brewster, Sir Patrick Colquhoun, the Honorable William A. Henry, the Honorable Peter Mitchell, the Honorable Amos E. Botsford, Honorable Edward Wiliston, Thomas Allan, William Stafford, Thomas Page, 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 body politic and corporate by the name of "The British and American Telegraph Company in New Brunswick," and by that name shall have all the powers made incident to a Corporation by the Acts of Assembly of this Province, for the purpose of constructing, maintaining and working a single or double line of Electro Telegraphic communication from any part of the borders of Nova Scotia, or shores of New Brunswick, through the said Province, to the eastern boundary of the State of Maine, in the United States of America, and also to the boundary of Canada, by such routes and directions as they may deem best, with power to establish such branch lines and extensions through the Province, in connexion therewith, as the increase of business, the establishment of railroads, or other circumstances, may make advisable, and for the purposes of said lines, and the branches and extensions thereof, to make such erections as may be necessary, and to purchase and acquire such real or moveable property as may be necessary for the making, maintaining and working the said Electro Telegraphic communications.

2. The capital stock of the said Corporation shall be fifty thousand dollars, to be divided into twelve hundred and fifty shares of forty dollars each, with power to the said Company to increase the same to two hundred thousand

dollars, either by increasing the number of shares or by adding to the amount of each share.

3. The first meeting of the stockholders for the purpose of organizing the said Corporation, shall be called by any two of the said Corporation hereinbefore named, by giving fifteen days notice of the time and place of such meeting in the Royal Gazette, or in some other paper published in the Province.

4. The said Company may by their agents and servants enter upon the side or sides of any or all of the public roads, streets, bridges or highways in this Province, through, along, across, or by which said Telegraphic lines, or any of their branches and extensions, shall pass or be required to pass, and on the same erect and construct such and so many posts or other works as they may deem necessary for making, maintaining and using the said Electric Telegraph; and from time to time as often as the said Company, their agents or servants, shall think proper, break up and open any part of the said roads, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, waggons, or horses, and keep the same open during the time necessary for setting up, erecting and constructing such posts or other works; provided always, that the said Company shall not in any case obstruct any of the said public roads, streets, bridges, or highways, and that the said Company shall and do at their own costs and charges, and without 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 conditions in which they were before breaking up the same.

5. If it shall at any time be deemed necessary by the said Company, their agents or servants, to carry any part of the said main lines of Electrical Telegraph communication, or of any of the branches or extensions thereof, through or over any estates, lauds 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, bodies politic or corporate, as they shall think necessary, for making, completing, maintaining or repairing the said lines of Electric Telegraph, or any of its branches or extensions, and on such lands to set up, construct or build such posts, buildings

or other erections as may be necessary for such lines, or the branches or extensions thereof, and do all other matters and things which they the said Company shall think convenient and necessary for the making, extending, improving, completing and easy using of the said Electric Telegraph, or any of its branches or extensions, or any of the works therewith connected, 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 of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation, their agents or servants, and one by the owner or owners, occupier 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 Governor for the time being, upon application of the said Corporation, to appoint the third arbitrator, and the award of the said arbitrators or any two of them shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such corporate or private property shall decline making any such agreement or appointing such arbitrators, 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 in which such lands lie, or in case of his being a party, or interested, then to any Coroner of such County, and in case of the said Sheriff and of the said Coroner being both interested, then to some person or persons who may be disinterested, commanding such Sheriff, Coroner, person or persons disinterested, as the case may be, to summon and empannel a jury of five freeholders within

the said County, who may be altogether disinterested, which jury upon their oath (which oath, as well as the oath 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 enquire, ascertain and assess the distinct sum or sums of money or annual rent to be paid as the amount of compensation and satisfaction for the damages that may and shall be sustained by such owner or owners, occupier or occupiers of such corporate or private property as aforesaid; and the inquisition, award or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas 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; which amount of such damages and costs shall be paid or rendered by the said Corporation to the person or persons, or body politic or corporate, entitled to the same, before the said Corporation shall be entitled to take possession of such property for the purposes aforesaid.

6. So soon as the main lines of communication by the said Electric Telegraph, or any part thereof, or any of its branches or extensions, shall be complete and open, it shall and may be lawful for the said Corporation at all times to ask, demand and 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 transmitted and conveyed at the cost and charges of the said Company, by or upon the said Electric Telegraph, as the said Company may think just and reasonable.

7. The Governor shall 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, branches and extensions, 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 or extensions shall connect; and the rates of charges therefor shall not in any case exceed the rates of charges made to private individuals and others for the transmission of like messages.

8. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company:

9. Whoever 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 lines, or any branch or extension 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 three years, which punishment shall be in addition to any civil or other remedy for such offence.

10. In case the said British and American Telegraph Company shall lease, underlet, transfer, or set over to any person or persons, body corporate, or joint stock company, any line or lines of Telegraph owned by the said Telegraph Company, the said British and American Telegraph Company shall still remain liable under the terms of this Act for any fault, neglect or miscarriage of the person or persons, or body corporate or joint stock company to whom such sale, lease, transfer or setting over shall be made, and the service of any writ, summons, process, or paper in law or equity, upon the President or other officer or Secretary of the said British and American Telegraph Company, shall be sufficient in all respects, in all suits or actions either at law or in equity, to enable the plaintiff in any such suit or action for such fault, neglect, or miscarriage, to issue and have issued any execution or executions against the property or effects of the said person or persons, or body corporate, or joint stock company, or their assigns, or of the said British and American Telegraph Company, on judgment duly obtained.

CAP. XLV.

An Act in amendment of and in addition to an Act intituled *An Act to incorporate the New Brunswick Electric Telegraph Company.*

Section 1 Company authorized to construct additional lines.

Section 2 Liability of Company, if Lines leased or transferred.

Passed 17th June 1867.

WHEREAS by the third Section of an Act made and passed in the eleventh year of Her Majesty's Reign, intituled *An Act to incorporate the New Brunswick Electric Telegraph Com-*

pany, it is enacted that it should be lawful for the said Company, and they were authorized and empowered to make and complete certain lines of Electric Telegraph therein mentioned; and whereas it is expedient to enlarge the provisions of said Act;—

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

1. 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, maintain, complete and work a single or double line of Electric Telegraph, communicating from the City of Saint John in this Province to the eastern boundary of the State of Maine in the United States of America, and to the boundary line of Nova Scotia, along or near any line of Railway connecting the said City of Saint John with the said eastern boundary of the State of Maine and the boundary line of Nova Scotia, with power to establish Branch lines in connexion therewith in this Province, subject to the terms and conditions in the said in part recited Act mentioned, and to locate and construct its Electric Telegraph lines upon and along any public highway or bridge, or along or upon the lines of any Railroad, but in such manner as not to incommode or endanger the ordinary public use thereof.

2. In case the said New Brunswick Electric Telegraph Company shall lease or underlet, transfer or set over, to any person or persons, body corporate, or joint stock company, any line or lines of Telegraph to be built or erected by the said Company under this Act, except any line or lines that may be substituted for those now in use, the said Electric Telegraph Company shall still remain liable for any default, neglect or miscarriage in the transmission of telegrams of the person or persons, or body corporate or joint stock company, to whom or to which they may have so leased, underlet, transferred or set over their line or lines of Telegraph as aforesaid, and the damages for any such default, neglect, or miscarriage, shall be recoverable in an action at law or in equity, against the said Company, and the joint stock and effects of the said Company shall be liable therefor, for the judgment recovered.

CAP. XLVI.

An Act to authorize an assessment upon the City and County of Saint John for the purpose of an Agricultural Exhibition therein.

Section 1. Assessment upon City and County for Exhibition. Section 2. How levied and collected.

Passed 17th June 1867.

WHEREAS it is intended that the Provincial Exhibition, under the direction of the Board of Agriculture, should be held in the City of Saint John, or in the vicinity thereof, in the present year, and it is expedient that an assessment in aid thereof should be made on the City and County of Saint John;—

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

1. The Mayor, Aldermen and Commonalty of the City of Saint John in Common Council, may and they are hereby authorized to order an assessment on the whole City and County of Saint John, and the inhabitants thereof, for the sum of two thousand dollars, besides the costs and charges of assessing and collecting, for the purpose of adding to the fund required for the holding, in said City and County, of a Provincial Exhibition of Agricultural and other products in the present year.

2. Such assessment shall be assessed and levied in the same proportion upon the City and upon the County of Saint John, as other general County rates, and shall be collected in the same manner in the said City, and in the several Parishes in the said County, as other City taxes and Parish rates respectively, and be paid to and received by the Chamberlain of the said City, to be by him paid out on the order and at the discretion of the Common Council of said City, for the purposes of this Act, at such times and in such manner as the Common Council may direct.

CAP. XLVII.

An Act to authorize the City Corporation of Saint John to purchase Lands to the northward of the Country Market Place in the City of Saint John.

Section 1. Corporation may borrow money to purchase lands. Section 2. Debentures to be issued. Section 3. Interest, how paid. Section 4. Chamberlain to receive and pay money. Section 5. Interest, how raised; sinking fund. Section 6. Investment of Sinking fund.

Passed 17th June 1867.

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

1. The Mayor, Aldermen and Commonalty of the City of Saint John may and they are hereby authorized to borrow such sum and sums of money as may be required for the purchase of any Lands to the northward of the Country Market Place in the City of Saint John, with a view to the extension of the said Market.

2. Any sum and sums of money borrowed under the provisions of this Act, shall be taken in loans of not less than four hundred dollars each; and Debentures payable in twenty years from the time when the same may be issued, shall be granted to the person or persons from whom any such loan may be obtained, and in such form as the said Mayor, Aldermen and Commonalty may deem expedient, with Coupons for interest payable half yearly; which Debentures shall be sealed with the Common Seal of the said Corporation, and signed by the Mayor and Common Clerk, and shall be numbered consecutively according to the order in which the same shall be issued; and the Coupons for interest shall be signed by the Mayor and Common Clerk, and a record thereof shall be kept by the Common Clerk.

3. The said Debentures so to be issued under the provisions of this Act, shall be negotiable in the same manner as promissory notes payable to bearer; and the holders thereof shall be entitled to receive interest on the same semi-annually at the rate of six per centum per annum, to be paid by the Chamberlain of said City out of the funds hereinafter provided, on presenting the Coupons for the same.

4. All moneys loaned to the said Corporation under this Act, shall be paid by the lenders thereof to the Chamberlain, and shall be by him paid out upon the orders of the Common Council, in the purchase of lands and improvements to the northward of the Country Market Place in the City of Saint John on the Eastern side of the Harbour, and lying between said Country Market Place, as at present established, and Union Street.

5. The amount required for the payment of the interest on such Debentures as may be issued under this Act, and also an annual sum of two hundred dollars as a sinking fund,

shall be paid and appropriated by the Chamberlain as follows, one half of such required sum from the Assessment Fund for Streets in said City on the Eastern side of the Harbour, and one half of such required sum from the Assessment Fund for the Fire Department of said City for the Eastern side of the Harbour, in each year, until the lands so purchased shall be used in connection with the said Country Market, from which time such interest and annual amount for sinking fund shall be paid out of the funds derivable from the revenues of said Market.

6. The money forming the said sinking fund shall, from time to time, as the Common Council may direct, be invested by the Chamberlain in the name of the Chamberlain of the City of Saint John, in good public or landed securities, as the Common Council may from time to time approve; and the sums so invested, and the securities therefor, and the interest thereon, shall be held by the Chamberlain in trust for the purposes of this Act.

CAP. XLVIII.

An Act further to amend the Acts relating to the Alms House for the City and County of Saint John, with respect to Vagrants and Beggars.

- Section
 1 Commitment of prisoners.
 2 Mode of confinement, diet, &c.

- Section
 3 Sessions to make further regulations;
 sec. 2, cap. 36, 28th Vic. repealed.

Passed 17th June 1867.

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

1. It shall and may be lawful for the Police Magistrate of the City of Saint John, and he is hereby required, whenever he shall commit any person by his warrant to the Alms House of the said City and County, under the provisions of the Act of Assembly passed in the twenty eighth year of the Reign of Her present Majesty, intituled *An Act to amend an Act to provide for the erecting of an Alms House and Work House, and to establish a Public Infirmary in and for the City and County of Saint John*, to prescribe in the said warrant the time for which such person shall be detained in the said Alms House, having regard to the age and sex of any such person, and the number of commitments which from time to time may have been previously ordered by him of such persons, under the said recited Act; but not to exceed for each time a longer period than three calendar months.

2. The mode of confinement, diet and labour for each person so committed while in such Alms House under such warrant, shall be the same as by law is now directed for the ordinary inmates of the said Alms House of the like age and sex.

3. Any further regulations which may be necessary for the government of persons confined under any such warrant, shall be made by the General Sessions of the Peace for the said City and County from time to time, and annulled or altered by them as occasion may require; and the Keeper of the said Alms House, and all other persons connected with the management thereof, are hereby required to receive, detain, and provide for the person so confined, as hereby enacted and may be ordained under the authority of this Act; and all regulations made under the said recited Act are hereby annulled; and the second Section of the said Act is hereby repealed.

CAP. XLIX.

An Act to amend the Law relating to the extension of Saint John Street in the City of Saint John on the Eastern side of the Harbour.

Section

1 Street lines.

2 Sec. 2, c. 24, 10 Vic. in part repealed.

Section

3 Appointment of Arbitrator; Sec. 5, cap. 24, 30 Vic. in part repealed.

Passed 17th June 1867.

WHEREAS it is desirable that the easterly line of the extension of Saint John Street in the City of Saint John, from Duke Street to Reed's Point Wharf, should be ninety two feet distant from Prince William Street, instead of ninety feet, as provided by the Act 30th Victoria, Chapter 24;—

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

1. That notwithstanding any thing contained in the second Section of an Act made and passed in the thirtieth year of the Reign of Her present Majesty, intituled *An Act to authorize the extension of Saint John Street in the City of Saint John on the Eastern side of the Harbour, from Duke Street to Reed's Point Wharf*, the easterly line of said extension of Saint John Street in the City of Saint John on the Eastern side of the Harbour, shall begin on the southerly side of Duke Street at a point ninety two feet distant westwardly from the west side line of Prince William Street, and shall extend

southerly parallel to said west side line of Prince William Street, and at ninety two feet distant therefrom, until it strikes Reed's Point Wharf; and the westerly line of said extension of Saint John Street shall begin on said southerly side of Duke Street, at a point one hundred and forty two feet distant westerly from said west side line of Prince William Street, and shall extend southerly parallel to the east line of said extension of Saint John Street until it strikes Reed's Point Wharf aforesaid.

2. So much of the second Section of said recited Act as requires said easterly line to begin at a point ninety feet, and said westerly line at a point one hundred and forty feet distant from the west side line of Prince William Street, is hereby repealed.

3. The Arbitrator to be appointed by the Commissioners under the fifth Section of said recited Act, shall be a person disinterested, and not one who shall have made or consented to such estimate and assessment as mentioned in said Section; and any part of said fifth Section inconsistent herewith, is hereby repealed.

CAP. L.

An Act to incorporate the Merchants Bank of New Brunswick.

Section	Section
1 Company incorporated.	24 Notes, how signed and payable.
2 Capital stock.	25 Liability for altered notes.
3 Real estate.	26 Where Bank shall be kept.
4 First meeting; bye laws; election of President and Directors.	27 Statement of affairs for annual meeting and Legislature.
5 Annual meeting.	28 No loan on pledge of stock.
6 Appointment of officers; salaries.	29 Committee to examine books, &c.
7 Constitution of Board for business.	30 Special general meeting.
8 No Director to receive salary; compensation of President.	31 Closing of affairs on dissolution; liability of stockholders.
9 Qualification of Directors.	32 Indebtedness of Directors limited.
10 Cashier and Clerk to give bonds.	33 Semi-annual returns.
11 Votes of stockholders.	34 Delinquent sheet; delinquent Director not to act.
12 Proxies.	35 Disqualification of Director by continued delinquency; vacancy, how filled.
13 Subscription for stock, limited.	36 No action on note before presentment.
14 Directors to fill vacancy in Board.	37 Shares deemed personal estate.
15 Notice of time and place of payment of instalments; when business to be commenced.	38 Share liable to seizure.
16 Specie in vaults to be counted.	39 Increase of capital; limit.
17 Shares assignable.	40 Sale of additional shares.
18 Transactions of Bank limited.	41 Notice of sale.
19 Liability for debts.	42 Distribution of premium.
20 Form of bills, &c.	43 Additional shares liable as original stock.
21 Amount of debts limited; liability for excess.	44 Limitation.
22 Dividends to be half yearly.	
23 Books, &c. subject to inspection.	

Passed 17th June 1867.

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

1. That John W. Cudlip, George Thomas, Stephen S. Hall, George S. DeForest, Jacob V. Troop, Henry C. Fairweather, Charles G. Turnbull, William A. Robertson, James L. Dunn, William Davidson, William Thomson, Zebedee Ring, Lewis J. Almon, John W. Nicholson, Simeon Jones, Lawrence M'Mann, John D. Purdy, Charles N. Skinner, Francis Clementson, their associates, successors, and assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors and Company of the Merchants Bank of New Brunswick," and they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattels and all other things real, personal or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the ensembling of all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they, the said President, Directors and Company, or the major part of them, shall from time to time, and at all times, have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought necessary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contra-

dictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the provisions of this Act; or other laws or statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province of New Brunswick, to the amount of five hundred thousand dollars, and shall be divided into five thousand shares of one hundred dollars each; the sum of two hundred and fifty thousand dollars, one half part thereof, to be paid in current gold and silver coins of this Province within two years from the passing of this Act, and a further sum of two hundred and fifty thousand dollars in three years from the passing of this Act.

3. The said Corporation shall have full power and authority to take, receive, hold, possess and enjoy, in fee simple, any lands, tenements, real estates, and rents, to any amount not exceeding fifty thousand dollars; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever, by mortgage taken as collateral security for the payment of any sum or sums of money advanced by, or debts due to the said Corporation; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other fixed property, nor such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for debts contracted with the said Corporation in the course of its dealings.

4. Whenever twenty five hundred shares of the said capital stock shall have been subscribed, a general meeting of the members and stockholders of the Corporation, or the major part of them, shall take place by notice in one or more of the public newspapers published in the City of Saint John, thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations, for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing nine Directors, being stockholders and members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall at their first meeting after

their election choose out of their number a President, which Directors and President shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the affairs of the said Corporation, and shall commence the operation of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided; at which general meeting the members and shareholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the said stockholders, their successors and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the first Monday in March in each year, at the City of Saint John, in the Province of New Brunswick, at which annual meeting there shall be chosen by the majority of votes of the said stockholders and members of the said Corporation, nine Directors, who shall be resident in the City or County of Saint John, and continue in office for one year, or until others are chosen in their room; in the choice of which Directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned, and the Directors, when chosen, shall at their first meeting after their election choose out of their number a President; provided always, that not more than eight of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the President shall always be one.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper; all which, together with the expenses of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Not less than five Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their number as Chairman in his stead; the President shall vote at the Board as a Director, and in case of their being an equal number of votes for and against any question before them, the President shall have a casting vote; provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

8. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as Director unless such person is a stockholder, and holding not less than twenty shares of the capital stock of the said Corporation; provided always, that the stockholder so otherwise qualified be not a Director in any other Banking Company in this Province.

10. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties to be approved of by the Directors, that is to say, every Cashier in a sum not less than thirty thousand dollars, with a condition for his good and faithful behaviour; and every Clerk with the like condition and sureties, in such sum as the Directors shall deem adequate to the trust reposed in them.

11. The number of votes which each stockholder shall be entitled to on every occasion when, in conformity to the provisions of this Act the votes of the stockholders are to be given, shall be in the following proportion, that is to say, —for one share and not more than four, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

12. All stockholders resident in this Province, or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing

from his constituent or constituents so to act, provided that no stockholder be entitled to hold more than three proxies.

13. No member of the said Corporation during the first six months to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than fifty shares of the said capital stock; and if the whole of the said capital stock shall not have been subscribed within the said six months so to be accounted as aforesaid, then and in such case it shall be lawful for any stockholder or stockholders to increase his, her or their subscriptions to one hundred shares; provided always, that no stockholder shall be permitted to hold more than one hundred shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations; and provided also, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

14. The Directors may and they are hereby authorized to fill up any vacancy that shall be occasioned in the Board by the death, resignation or absence from the Province for three months, of any of its members; but in case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders; and the person so chosen by the Directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, fifty days previous notice shall be given by the Directors in two of the newspapers published in this Province, of the time and place of such payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation; provided always, that no bank bill or bank notes shall be issued or put in circulation, nor any bill or note be discounted at the said Bank, until the sum of two hundred and fifty thousand dollars shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of two hundred and fifty thousand dollars shall be actually paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President

shall give notice thereof to the Secretary of the Province for the information of His Excellency the Lieutenant Governor or the Commander in Chief for the time being, who is hereby authorized by and with the advice of his Council. to appoint three Commissioners not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of Directors, that one half the amount of its capital hath been paid in by the stockholders towards the payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank, which investigation is hereby declared indispensable.

17. The shares or capital stock shall be assignable and transferrable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due to the said Corporation; and in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferrable; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Corporation shall not directly or indirectly deal in any thing excepting promissory notes, bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent but not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed; which said stock and goods so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall

be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him; provided nevertheless, that nothing previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation; provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the next preceding Section of this Act.

21. The total amount of the debts (deposits excepted) which the said Corporation shall at any time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half yearly dividends of all the profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice in two of the newspapers published in this Province.

23. The books, papers, correspondence and funds of the said Corporation shall, at all times, be subject to the inspection of the Directors; but no stockholder not a Director shall inspect the account of any individual with the said Corporation.

24. All the bills or notes issued by the said Corporation shall be signed by the President for the time being, and

countersigned and attested by the Cashier, and shall be printed and made in steel plates; and all bills or notes so signed and countersigned, shall be binding on the said Corporation, and payable in specie at said Bank.

25. The said Corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

26. The head quarters or chief banking house of the said Corporation shall be kept and established at Saint John; or at such other place as the Board of Directors may think it necessary to remove the said Bank on account of any great emergency, for the security thereof.

27. The Directors shall, at the general meeting to be held on the first Monday in March in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of bank notes then in circulation, the amount of gold and silver then on hand, and the amount of such debts as are in their opinion bad or doubtful; also the surplus or profit (if any) remaining after deduction of losses and provision for dividends; which statement shall be signed by the Directors and attested by the Cashier; and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Commander in Chief for the time being, and the Legislature; provided always, that the rendering of such statements shall not extend to give any right to the stockholders not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. No loan shall be made by the said Bank on the pledge of its own stock.

29. Any Joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall, either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

30. Any number of stockholders not less than twelve, who together shall be proprietors of four hundred shares, shall

have power at any time by themselves or their proxies to call a general meeting of the stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days previous notice in two of the newspapers published in the Province, and specifying in such notice the time and place of such meeting; with the objects thereof; and the Directors, or any five of them, shall have like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

31. On any dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid, the holders of stock in said Corporation, as well as those who were stockholders at the time of the notice of said dissolution, (which said notice shall be given by publication in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect,) shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth Section of this Act; provided however, that this liability shall continue for two years only from and after the notice of such dissolution.

32. The aggregate of all the debts due from the Directors of the said Bank, as principals, endorsers, or sureties, shall not at any time exceed thirty three and one-third per centum of the capital stock.

33. The President of the said Bank shall semi-annually, that is to say, on the last Wednesday in February and the last Wednesday in August in each and every year, make a return in triplicate of the state of the said Bank as it existed at three o'clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the Office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form:—

FORM OF RETURN.

State of the Merchants Bank of New Brunswick on the
day of 18 at 3 o'clock, P. M.

Bills in circulation,	\$
Net profits on hand,	
Balance due to other Banks,	
Cash deposited, including all sums whatever due from the Bank not bearing interest, its Bills in circulation, Profits, and balances due to other Banks, excepted,	
Cash deposited bearing interest,	
Total amount due from the Bank, ...	\$

RESOURCES OF BANK.

Gold, Silver, and other coined metals, in its Banking House,	
Real Estate,	
Bills of other Banks incorporated in this Province,	
Balance due from other Banks,	
Amount of all Debts due, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, except the Balances due from other Banks,	
Total amount of the resources of the Bank, \$	

Date and amount of the last Dividend, and when declared, ...
 Amount of reserved profits at the time of declaring the last Dividend, ...
 Amount of Debts due and not paid and considered doubtful, ...

Which return shall be signed by the President of said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of said returns, according to the best of his knowledge and belief; and the President of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of said Bank shall certify and make oath or affirmation before the same Magistrate as the said President, that the books of the said Bank indicate the state of facts so returned by their President, and that they have full confidence in the truth of the return so made

by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

34. The Cashier or acting Cashier for the time being; shall on each and every discount day furnish a true list to the President or Chairman of the said Bank of all delinquent promisors, endorsers, and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any Director shall appear on such delinquent sheet either as promisor, endorser, or surety, it is hereby declared illegal for such Director to sit at the Board, or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

35. In the event of any Director continuing a delinquent as aforesaid for ninety consecutive days at any one time, such delinquency shall disqualify such Director from holding his seat; and it shall be the duty of the President and other Directors forthwith to proceed in filling up the vacancy in the manner prescribed in the Section of this Act as in case of death or absence from the Province.

36. No action shall be brought or maintained upon any Bank bills or Bank note which shall be issued by the said Corporation before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

37. All and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

38. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution, and sold in like manner with other personal property; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff

or his deputy, with the President or Cashier of the said Bank; and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the President of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold; provided also, that the said President shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from time to time when such copy of the execution shall be so left with the President or Cashier.

39. And in case it should hereafter be found necessary at any time after the payment in and certificate of such first mentioned capital, and within ten years from the time of passing this Act, to increase the capital stock of the said Bank, the same may be effected by resolution of the Directors, or the major part of them, for the time being, sanctioned and approved of by a majority of the votes of the shareholders present in person or by proxy, at a general meeting convened after special notice of the same and its intended object; such additional capital stock may be raised by the issue of additional shares, severally of the value before mentioned, provided that the whole of such additional stock shall not exceed five hundred thousand dollars, thereby making the utmost amount of capital stock of the said Bank one million dollars, and in the whole ten thousand shares.

40. Such additional shares shall be sold at public auction in separate lots of one to four shares each, as follows, that is to say,—fifty thousand dollars, making five hundred shares, at such time as the Directors shall appoint, and the residue of such increased additional capital, at such times as the Directors may from time to time determine, but not less than fifty thousand dollars to be sold at any one time.

41. The said Directors shall give at least forty days notice of the time of any sale of any such increased stock in two or more Newspapers published in the City of Saint John, in which notice shall be specified the time when such additional stock, with the advance of premium thereon, will be required to be paid into the said Bank.

42. The whole of such advance or premium, if any, first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of such Bank, as well the old as the new stock; and such dividend of the said premium shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock sold as aforesaid, when the Directors, or a majority of them, together with the President of the said Bank, shall have signed and verified by oath, and filed in the office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

43. The said additional shares shall be subject to all the rules, regulations and provisions to which the original stock is subject by this Act.

44. This Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand nine hundred.

CAP. LL

An Act to provide for the more effectual repairing the Roads and Bridges in the Parish of Hopewell, in the County of Albert.

Section

- 1 Money to be paid instead of labour.
- 2 How levied and collected, and to whom paid.
- 3 How expended.

Section

- 4 Commissioners to give bonds; commission.
- 5 First Commissioners.
- 6 Commissioners not to incur debts.
- 7 Duties, &c. of Commissioners.

Passed 17th June 1867.

WHEREAS it is desirable that the Roads and Bridges in the Parish of Hopewell, in the County of Albert, should be repaired and upheld by a tax payable in money, instead of labour as by law provided;—

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

1. All persons liable to perform statute labour on the Roads and Bridges in the Parish of Hopewell, in the County of Albert, shall in future, in lieu of such labour, annually pay the sum of twenty five cents for each and every day's labour such persons are respectively liable to perform.

2. The moneys required to be paid by virtue of this Act, shall be assessed, levied and collected in the same manner as any Parish or County rates are assessed, levied and collected by virtue of any law now in force or hereafter to be in force for that purpose in this Province; and such moneys when collected shall be paid over to the Commissioner or Commissioners appointed or elected for said Parish to expend moneys on the said Roads and Bridges.

3. The moneys so collected shall be expended by the said Commissioners on the Roads and Bridges within the said Parish, where deemed most necessary, by public contract or by sale at auction.

4. Such Commissioner or Commissioners, before entering upon the duties of his or their office, shall give a bond, with two sureties, to the Queen, to be approved by two Justices of the Peace resident in the said Parish, in such sum as the Sessions shall from time to time prescribe, conditioned for the faithful performance of the duties of their office, and the due accounting of all moneys that they shall collect or receive as such Commissioner or Commissioners; which bond shall be filed in the office of the Clerk of the Peace within one month after such election or appointment; such Commissioner or Commissioners may retain five per cent. of the moneys by them annually received as compensation for expending the same.

5. The Commissioner or Commissioners elected or appointed for the said Parish at the last annual meeting in the said Parish, shall be the Commissioner or Commissioners for the said Parish under this Act, until other Commissioners shall be elected or appointed, and have qualified.

6. The Commissioner or Commissioners shall only expend the moneys which they shall collect during the year they are in office, and shall not incur any debt or liability respecting the repair of Roads and Bridges to be paid out of the Road collections for the succeeding year; and if any balance remain in their hands on the termination of their office,

they shall pay over the same to their successors for the purposes of this Act.

7. The Commissioner or Commissioners authorized to expend money under this Act, shall have all the duties, powers, and privileges, and be subject to the same fines and penalties as provided by the laws now in force, regulating the expenditure of public moneys on the Bye Roads and Bridges.

8. So much and such parts only of the Act twenty fifth Victoria, Chapter 16, intituled *An Act in amendment and consolidation of the Laws relating to Highways*, as interfere with this Act, are hereby repealed.

CAP. LII.

An Act to provide for the more effectually repairing and improving the Streets, Bridges and Sidewalks in the Lower Highway District in the Parish of Saint Stephen.

Section

- 1 Justices may issue Debentures for \$10,000 for repair of streets, &c.
- 2 Form and amount of Debentures.
- 3 Money to be paid in lieu of labour; Loan how paid off.

Section

- 4 Commissioner appointed to expend; to give bonds; Commission.
- 5 How moneys to be assessed and collected, and to whom paid.
- 6 27th Vic. cap. 22, repealed.

Passed 17th June 1867.

WHEREAS the Streets, Bridges and Sidewalks in the district known as the Lower Highway District, in the Parish of Saint Stephen, are out of repair, and require an immediate expenditure of a larger sum of money that can be obtainable by assessments at present able to be made;—

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

1. The Justices of the Peace in and for the County of Charlotte, in any General or Special Sessions duly called for that purpose, are hereby authorized and empowered to issue Debentures to an amount not exceeding ten thousand dollars, to be appropriated towards the repairing and improving the Streets, Bridges and Sidewalks in the said Lower Highway District, which is included in the following limits, to-wit, commencing at the mouth of Dennis' or Porter's Millstream, and extending to the Milltown Highway District, and between the River Saint Croix and a line drawn one mile back from the said River; such Debentures to bear interest at the rate of six per centum per annum, payable half yearly by Coupons attached.

2. That the said Debentures and Coupons shall be in such form and for such a period, not to exceed ten years, and for such a denomination, not less than one hundred dollars, as the said Justices in Sessions as aforesaid shall prescribe.

3. All persons liable to perform labour on the streets and highways in that part of the Parish of Saint Stephen in the limits aforesaid, shall in future pay in lieu of such labour fifty cents per day for the first four days, and for every day's labour over and above the first four days any person may be liable to perform, each person shall hereafter for each and every such day pay the sum of eighty cents per day; and which money, or such part thereof so assessed, levied, and collected, shall be appropriated by order of the said Sessions towards payment of the interest and such part of the principal of the loan contracted by virtue of this Act as they shall think proper and expedient, until the same shall be paid off; and the said Sessions are hereby authorized and required to make a rate and assessment each and every year of any further sum of money sufficient to discharge the interest and the principal, or such part thereof of the loan aforesaid, as the said Sessions may deem necessary and expedient, such additional assessment not to exceed in any one year the sum of two thousand dollars, such assessment to be confined to the limits of the district aforesaid.

4. The said Sessions shall appoint a person to be a Commissioner for the special purpose, during the continuance of the loan aforesaid, of expending the money raised by loan under this Act for the purposes of the same; which person so appointed shall, before entering upon the duties of his office, give a bond with two sufficient sureties to the Queen, to be approved by two Justices of the Peace residing in the district aforesaid, in such sum as the said Sessions shall determine, conditioned for the faithful discharge of the duties of his office and the due accounting for all moneys that he shall receive as such Commissioner; which bond shall be filed in the office of the Clerk of the Peace within one month from such appointment; the said Commissioner may retain on all moneys expended by him for the purposes aforesaid five per centum.

5. All moneys required to be paid by virtue of this Act, or which may be raised by assessment, shall be assessed,

levied and collected in the same manner as Parish rates are assessed, levied and collected by virtue of any law now in force, or which may hereafter be in force for that purpose, and when collected, shall be paid to the Commissioner to be appointed by the Sessions as aforesaid, to be by him expended, and in case of no such appointment, then by the Commissioner of Highways for said district.

6. The Act passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act to provide for more effectually repairing the Streets Bridges and Side Walks in the Lower Highway District in the Parish of Saint Stephen*, is hereby repealed.

CAP. LIII.

An Act to provide for the purchase of Lands and the erection of an Alms House and Work House within the County of Northumberland, and for making rules, orders and regulations for the management of the same.

Section.

- 1 Acts 5 Geo. 4, cap. 23, and 22 Vic. cap. 47, repealed.
- 2 Commissioners authorized to purchase Lands and erect Alms House in Chatham; Justices to assess.
- 3 Governor in Council to appoint Commissioners; quorum.
- 4 Commissioners to make rules, and punish.
- 5 To provide materials, &c. and have

Section.

- general management; authority of Overseers of Poor.
- 6 To render annual Accounts and estimates.
- 7 Justices for County may visit and inspect.
- 8 Profits of labour, how accounted for and applied; commission.
- 9 Buildings may be hired until erections completed.

Passed 17th June 1867.

WHEREAS the erection of an Alms House and Work House within the County of Northumberland, for the use of the said County, would tend to lessen the expense of supporting the poor, and under proper rules, orders, and regulations, would be of great advantage to the inhabitants of the County; and whereas the law now in force is insufficient for carrying out this object;—

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

1. That an Act passed in the fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to provide for the better support of the poor in certain Parishes in the County of Northumberland*; also an Act made and passed in the twenty second year of the Reign of Her present Majesty, intituled *An Act to repeal an Act intituled An Act to provide for the better support of the poor in certain Parishes in*

the County of Northumberland, and make other provisions in lieu thereof, be and the same are hereby repealed.

2. The Commissioners to be appointed, as hereinafter mentioned, are hereby authorized and empowered to purchase a suitable Farm and Lands, situate in the Parish of Chatham, on the front lots, in some suitable place, between Coulson's slip and the upper line of the said Parish; the title to which Farm and Lands shall be vested in the Justices of the Peace for the said County of Northumberland, in trust, to be used and occupied for the purposes of an Alms House and Work House for the said County, and the said Commissioners are also hereby authorized to agree, for the erecting on the said Farm, a proper building or buildings for a County Alms House and Work House, and to fix upon a certain sum of money for defraying the cost and expense of the purchase of the said Farm, and the erection thereon of the said building or buildings, the whole not to exceed, with the expense of assessing and collecting the same, the sum of six thousand dollars; and the Justices of the Peace for the said County are hereby authorized and required, at any General Sessions of the Peace, to apportion the said sum equitably upon and among the several Parishes of the said County, and to assess and levy the same upon the inhabitants thereof, in the way and manner provided by any law in force for assessing, levying and collecting County rates; the proceeds of which assessment, when collected, shall be paid to the County Treasurer, as County funds, to be applied in payment of the said Farm and Lands, and the erection thereon of the said building or buildings; which money shall be placed at the credit of the said Commissioners so to be appointed, and to be paid out, to their order, for defraying the expense of purchasing the said Farm and erecting the said buildings thereon.

3. It shall and may be lawful for the Lieutenant Governor in Council, by warrant under his hand and seal, to appoint two fit and proper persons for each of the Parishes of Newcastle and Chatham, and one fit and proper person for each of the other Parishes in the said County, to be Commissioners for purchasing a Farm and Lands, and for erecting thereon a proper building or buildings for an Alms House and Work House for the said County, and for supporting

and managing the same; two of the Commissioners to be appointed for Chatham and Newcastle to be Justices of the Peace for the said County; and five of such Commissioners shall form a quorum for transacting business connected with the said Alms House and Work House.

4. The said Commissioners shall have power to make such rules, orders, and regulations, for the good government and management of the said Alms House and Work House, and the premises connected therewith, as they shall find necessary from time to time, (such rules and regulations to be approved of by the Justices in their General Sessions,) and to inflict such correction and punishment by solitary confinement, or otherwise, from time to time, as to them shall seem reasonable, on any person or persons within the said Alms House and Work House, or on the premises connected therewith, who shall be set to work, and shall not conform to such rules, orders and regulations to be made as aforesaid, or shall misbehave in the same.

5. The said Commissioners shall purchase from time to time, all necessary stock, materials, and things that they shall judge necessary for the said Alms House, Work House, and premises therewith connected, not exceeding however in any year the sum authorized by the General Sessions of the Peace to be expended, and for setting to work and employing such poor persons of whatever age or sex they may be, who may apply for, and be entitled to relief, and able to work; and the said Commissioners shall have full power and authority in their discretion, to compel any idle or poor person within the said County, begging or seeking relief, as do not betake themselves to some lawful employment, or who shall hereafter seek to receive alms of any of the said Parishes of the said County, or who may stand in need of relief therefrom, to be removed, and to inhabit, dwell, and work in and about the said Alms House and Work House, and to do all such work as the said Commissioners shall think them able and fit for, or as such Commissioner shall direct to be done; the said Commissioners in each Parish for which they are appointed, shall have all the authority and power for looking after and taking care of the poor, now vested in the overseers of the poor, and the power and authority of the overseers of the poor shall be

limited and restricted to cases of bastardy, and to the care of the poor, in case of sudden illness, or accident, when temporary relief may be necessary, or until the parties can be removed to the Alms House.

6. The Commissioners shall, at the first General Sessions of the Peace to be holden for the said County annually lay before the Justices, in their said Sessions, an account to be audited by the said Justices, of the expenses incurred by them for the support and maintenance of the poor in the said Alms House and Work House for the past year, together with an estimate of the sum or sums of money that will be needful for the maintenance and employment of the poor of the said House, including contingent expenses for the current year; and the amount of the said account, when audited and allowed by the said Justices, shall be apportioned on the several Parishes in the said County, having regard to the number of persons that each Parish shall have had in the said Alms House and Work House during the past year, and assessed, levied and collected from the inhabitants thereof in the manner provided by law for assessing, levying and collecting County rates, and when received shall be paid by the several collectors into the hands of the County Treasurer for the use of the said Commissioners, and for no other purpose.

7. All the Magistrates in and for the said County shall have the right to visit the said Alms House and Work House, at all reasonable times, for any purpose connected with the good management of the same, and shall have full power and authority to examine and inspect all the details of management, and in and out door economy of the same, and also into the character, conduct and employment of each and every of the inmates.

8. The profits of any work or labour to be performed, under the direction of the said Commissioners, shall be duly accounted for by them, and applied to the support and maintenance of the persons inhabiting within the said Alms House and Work House, and the Commissioners shall be allowed a commission of two and a half per cent. on the amount expended by them in the support and maintenance of the said Alms House and Work House, as a remuneration for their services.

9. Until such time as a suitable Farm shall be purchased, and a proper building or buildings shall be erected for the purposes of this Act, it shall and may be lawful for the said Commissioners to hire and make use of any other building or buildings within the said Parish of Chatham, which they shall think fit and convenient for an Alms House and Work House, in manner and form as by this Act prescribed.

CAP. LIV.

An Act to incorporate the Houlton Branch Railway Company.

Section	Section
1 Company incorporated with general powers; line of Railway; damages, how ascertained and determined.	6 Rates of toll.
2 Capital stock; management vested in Directors; choice of President; Treasurer to give bonds.	7 Company to erect and maintain fences
3 First meeting.	8 Annual meeting; choice of Directors; votes; special meetings.
4 Bye laws.	9 Shares assignable as personal property. [&c.]
5 General powers of Corporation; liability of shareholders.	10 Directors empowered to charge lands,
	11 When Railway to be commenced and completed.
	12 Entry on reserved lands.

Passed 17th June 1867.

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

1. That William Lindsay, M. P. P., Honorable Charles Connell, Robert A. Hay, George H. Connell, Lewis Peter Fisher, Honorable William Todd, Gilbert W. Vanwart, Freeman H. Todd, Robert Watson, Nathan Smart, Zachariah Chipman, Samuel T. King, Joseph E. Eaton, Honorable John M'Adam, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate by the name of "The Houlton Branch Railway 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 by 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 hereafter enjoined, and to prevent all invasion thereof, in exercising and performing the same; and the said Corporation, so soon as the sum of five thousand dollars of the capital stock shall be actually paid, are hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair, a Railroad with one or more sets of rails or tracks, with all suitable bridges,

tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the intersection of the Woodstock line of Railroad with the line of Railroad of the New Brunswick and Canada Railway and Land Company at Morrell Blanchard's, in the Parish of Richmond, in the County of Carleton, to the boundary line of the State of Maine and the Province of New Brunswick, whenever the said Corporation may deem it expedient so to do, and to make such branches thereof as they shall deem proper; and 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 purposes of this Act; and for this purpose the 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 Railroad, and branches thereof, and stations connected therewith; and they shall also have the right to take, remove, and use for the construction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; provided however, that said land so taken for the route of said Railway shall not exceed six rods in width, except when greater width is necessary for the purpose of excavation and embankment; and provided also, that in all cases said Corporation shall pay for said lands, estate and materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the 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 the Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same; and the land so taken by said Corporation shall be held as lands 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.

2. The capital stock of the said Corporation shall consist of thirty thousand dollars, to be divided into three hundred

shares of one hundred dollars each, with power to increase to one hundred thousand dollars, with additional shares of one hundred dollars each; and the immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation in manner hereinafter provided, and shall hold their offices until others are chosen in their stead, 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 the Directors shall have authority to choose a Clerk or Secretary 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, for the faithful discharge of his trust.

3. Any three of the persons named in the first Section of this Act are hereby authorized to call the first meeting of the said Corporation, by giving notice in one or more newspapers published in the said County of Carleton, of the time, place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

4. 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 the due and orderly conducting of affairs, and the management of their property.

5. 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 and completing said Railroad 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 said Corporation, as may be necessary and proper to carry into effect the objects of this Act, to purchase or hold within or without the Province, lands, 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, and to make such connexion with other Railway Companies within or without the Province, either by leasing their Road to other Corporation or

Corporations, on such terms and for such length of time as may be agreed upon, or by consolidating the stock of their Road with that of other Railway Companies or Company, upon such terms as may be agreed upon ; to make, execute and deliver good and sufficient mortgage deed or deeds of their Road and all its branches, to such private persons or Corporations within or without this Province, as they may think the interest of the stockholders in their Company requires, and to make such assessment 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 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 is 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 interest and cost of sale, and shall be entitled to the overplus if his share or shares shall sell for more than the assessment due, with interest and cost of sale ; provided that no shareholder in said Company shall be in any manner whatever liable for any debt or demand due by the said Company beyond the amount 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 for a greater amount than one hundred dollars per share on the whole.

6. A toll is hereby granted and established, for the sole benefit of said Corporation, upon all passengers and property of every description 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.

7. The said Railway Corporation shall erect and maintain substantial, legal and sufficient fences on each side of the

land taken by them for their Railroad, when the same passes through enclosed or improved land, 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 said County of Carleton, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fines shall be collected and paid as other fines are by law collected, and shall be expended for the erection and repair of such fence, under the direction of an agent appointed by the Court, imposing such fine; provided however, said 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.

8. The annual meeting of the said Corporation shall be holden on the first Tuesday in August, 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 by 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.

9. The said shares of the said Corporation shall be deemed personal estate, and transferrable as such, and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company, after the making, completing and maintaining the said Railway and other incidental expenses; but 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 shares held by him or her.

10. The Directors of the Company may from time to time by deed subject and charge, in such manner as they think fit, the said Railroad and the future lands, goods and other property and effects, tolls, income and profits whatsoever, of the said Company, or such parts thereof as the Directors may think fit, and may also in like manner grant and assure the whole or any part of any guarantee of interest, grant of money or lands, or other benefit, profit or advantage, already

or to be hereafter granted, conceded or allowed to Railroad Companies in this Province by any Act of Assembly; and every deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the respective hands and seals of any three or more of the Directors of the said Company; and every deed so executed shall have as full effect and be as binding and conclusive on the Company, and the Directors of the Company, as if the terms and provisions of such deed were by this Act of Assembly expressly enacted and made binding and conclusive accordingly.

11. The said Company, to entitle themselves to the privileges, benefits and advantages to them granted in this Act, shall *bona fide* commence to build said Railway within two years from the passing of this Act, failing which, this Act, and every matter and thing therein contained, shall cease and be utterly null and void; and if the said Railway, having been commenced, shall not be made and completed within the period of five years from the passing of this Act, so as to be used for the conveyance and carriage of passengers, goods and chattels thereon, then this Act, and every matter and thing therein contained, shall cease and be utterly null and void.

12. Nothing in this Act contained shall authorize the said Company, or their contractors, to enter upon any lands reserved for naval or military purposes without the consent of Her Majesty.

CAP. LV.

An Act to incorporate the Saint John Trades Co-operative Association.

Section

- 1 Association incorporated.
- 2 Capital stock.
- 3 How shares to be paid up.
- 4 Shares transferrable; Directors may buy at par.
- 5 Accounts to be made up semi-annually; division of profits.
- 6 Dividends may be left at interest.
- 7 Transactions of Association to be for cash; this Section to be inserted in Circulars, &c.

Section

- 8 Management in Directors; election of President; appointment of officers, &c.; bye laws.
- 9 First meeting; election of Directors;
- 10 Election of Auditors or Accountants.
- 11 When Directors go into office; their powers.
- 12 Special meeting.
- 13 Who eligible for office or to vote.
- 14 Liability of Association and members.
- 15 How business may be wound up.
- 16 Construction of terms.

Passed 17th June 1867.

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

1. Richard Cassidy, John W. Wright, William B. Frost, Michael W. Maber, Hugh Finlay, Amos Fales, Robert Finlay, William E. Everitt, Asa B. Blakslee, John M'Master, Michael Flood, Charles Copland, William Small, William Crabb, Samuel M'Kinlay, and William Swett, their associates, successors and assigns, shall be and they are hereby declared to be a body politic and corporate by the name of "The Saint John Trades Co-operative Association," and by that name shall have all and singular the general powers and privileges made incident to a Corporation by Act of Assembly of this Province, for the purpose of carrying on general mercantile and manufacturing business on the principles of co-operation, cash dealings only, and a mutual participation in profits, as hereinafter provided.

2. The capital stock of the Association shall be not less than two thousand dollars, which may be from time to time increased to any amount not exceeding eighty thousand dollars, and shall be divided into shares of four dollars each; every holder of a share shall be a member, and no member shall hold more than five shares.

3. One half of each share subscribed shall be paid up at the time of subscription for the same, and the remainder in two equal monthly instalments of one dollar each; for non-payment of which within five days after the time appointed, the share, with the amount paid thereon, will be forfeited to the Association, and may be forthwith sold again if the Directors see fit; but if any holder of any two or more shares shall have paid upon them the full value of one or more shares, the same may be converted into paid up shares, and only the fractional part (if any) of a share not paid in full shall be forfeited.

4. The shares shall be transferrable; but the Directors shall always have the preference of buying for the Association, at par, any share or shares offered for sale; such preference to be exercised by the Directors within two days after such share or shares shall be offered to them.

5. The Accounts of the Association shall be made up semi-annually, at such periods as shall be provided by the bye laws; and the net profits actually realized shall, after deducting and paying interest at the rate of six per cent. per annum on the paid up and accumulated capital, be

divided among the members in proportion to the amount of their respective purchases from the Association during the previous six months; in determining the amount of such profits the stock in hand shall always be valued at one fourth below cost; persons not being members, who may purchase from or deal with the Association, shall not have any right of participation in profits.

6. Any member may leave his semi-annual dividend in the business, in addition to the number of shares held by him, and receive interest thereon at the rate of six per cent. per annum at each semi-annual division; and any dividends or sums so left may be withdrawn on giving a week's notice to the Directors, all interest to stop from the time of giving such notice.

7. The whole of the transactions of the Association, both in buying and selling, shall be strictly for cash; and the Association shall not be entitled to sue or be liable to be sued for the amount or value of any article or thing the subject of a sale, either by or to it upon credit; and this Section shall be inserted in all printed or published circulars or other papers issued by the Association.

8. The management of all the affairs of the Association shall be in five Directors, to be elected annually as hereinafter provided; and the Directors, when chosen, shall elect one of their number President, and shall have the appointment of all officers, clerks and other employees necessary for carrying on the business of the Association effectively; the Directors also shall make, alter or amend from time to time as they see fit, such bye laws and regulations as may be necessary, not inconsistent with this Act; but the members, at any annual or special meeting of the Association, may annul any bye law or regulation which may be deemed injurious to the welfare of the Association.

9. The persons named in the first Section of this Act, or any number thereof not less than five, may immediately open a stock book for the subscription of shares, and receive the first deposit of one half, mentioned in Section three; as soon as the minimum amount of stock shall be subscribed, any three of such persons may call a public meeting of the shareholders by giving ten days notice of the time and place of holding the same in two or more newspapers published

in the City of Saint John, for the purpose of electing the first Directors and organizing the Association; the same meeting shall fix the day for holding the annual meeting of the Association, at which Directors shall be elected and any general business transacted; at any meeting of the Association duly summoned by ten day's notice given as aforesaid, the business may be transacted and decided on by a majority of members present, provided there be not less than fifty attending such meeting.

10. At the first meeting of the Association, and at each annual meeting, two or more Auditors or Accountants shall be elected by the members to examine and approve the semi-annual accounts and dividends to be taken and declared by the Directors.

11. The Directors shall go into office the day next following their election, and be then entitled to demand and receive from any previous Director or Directors not re-elected, all and singular the books and property of the Association; and Directors once duly elected shall continue in office until others are duly elected in their stead.

12. The Directors or any number of members not less than twenty, by a requisition in writing signed by them, may at any time require the President or Secretary to call a special meeting of the Association, to be summoned in like manner as already specified.

13. No person but a member who has paid up all that has become legally due on any share or shares held by him shall be eligible to office or to vote at any meeting of the Association.

14. The property of the Association alone shall be liable for any legal claims or demands against it; and no member or shareholder shall be liable to the Association or any person or individual on its account, for any larger or other sum or sums or amount than the full amount of the share or shares subscribed for by him.

15. Whenever at any annual meeting at which a majority of the shares, *bona fide* held by members, shall be represented, two thirds of those present shall decide upon winding up the business of the Association; they may, instead of electing Directors as usual, appoint three Trustees, who shall forthwith take possession of the books and property of

the Association, and proceed to sell its property, whatsoever and wheresoever the same may be, and to wind up its affairs; out of the proceeds they shall first pay all liabilities and expenses; second, all accumulated profits or stock deposited by any of the members; and third, the remainder they shall distribute in just proportion among all the members according to the number of shares held by them respectively.

16. The word "Association" in this Act shall mean "The Saint John Trades Co-operative Association," and its successors, and the word "Member" or "Members" shall mean a shareholder or shareholders, male or female, and include his or her or their executors, administrators, or assigns, when necessary and not inconsistent with this Act.

CAP. LVI.

An Act to amend the Act to incorporate the President, Directors and Company of the Northern Bank.

Time for payment of capital stock enlarged.

Passed 17th June 1867.

WHEREAS it is desirable to amend the Act made and passed in the twenty ninth year of Her Majesty's Reign, intituled *An Act to incorporate the President, Directors and Company of the Northern Bank*;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the time limited by the second Section of the said recited Act for the payment of the first instalment of the capital stock of the said Corporation, be extended to a further period of two years from the time of the passing of this Act; and that the time for the payment of the remainder of the capital stock be also extended to a like period of two years beyond the period fixed by the second Section of the said recited Act.

CAP. LVII.

An Act to ratify and confirm the incorporation of the Brunswick Antimony Company.

Passed 17th June 1867.

WHEREAS pursuant to the terms and provisions of the Act of Assembly, intituled *An Act relating to Corporations*, Benjamin C. Perkins, of South Danvers in the State of Massachusetts, United States of America, William Jack of the City

of Saint John, Spafford J. Barker of the City of Fredericton, Andre Cushing of the Parish of Lancaster in the County of Saint John, and George B. Cushing of the City of Saint John, did on the seventh day of January in the year of our Lord one thousand eight hundred and sixty four, file in the office of the Provincial Secretary a Memorandum of Association for the incorporation of a Company to be styled "The Brunswick Antimony Company," for the purpose of mining for and working of Antimony and other Ores and Metals, with a capital of one hundred thousand dollars, to be divided into twenty thousand shares of five dollars each, and stating that the office or principal place of business of the said Company would be established at the City of Saint John; and whereas the Provincial Secretary did on the same day grant his certificate thereof in the terms required by the said Act, and did give notice in the Royal Gazette of the granting of such certificate, with the terms thereof; whereupon the said Benjamin C. Perkins, William Jack, Spafford J. Barker, Andre Cushing, and George B. Cushing, became and were a body corporate and politic by the name and style of "The Brunswick Antimony Company," for the purpose in the said certificate specified, and for such purpose had all the powers made incident to a Corporation by Act of Assembly; and whereas fifteen per cent. of the proposed capital stock was paid in for the purposes of the Company within two years from the publication of such notice in the Royal Gazette, but by reason of a majority of the Directors residing out of this Province, the provisions of the said Act of Assembly, intituled *An Act relating to Corporations*, requiring that a certificate of such payment, signed and verified by the oath of the Directors, or a majority of them, before a Justice of the Peace, shall be filed in the office of the Provincial Secretary, cannot be complied with;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That notwithstanding such non-compliance with the terms and provisions of the said Act, the said Benjamin C. Perkins, William Jack, Spafford J. Barker, Andre Cushing, and George B. Cushing, their successors and assigns, are declared to be, from and after the publication of such notice, a body corporate and politic by the name of "The Brunswick Antimony Company," with

all the rights, powers and privileges incident to a Corporation by Act of Assembly; and all acts done and to be done and performed by them, and all properties, rights, powers and privileges acquired or to be acquired by them, are and shall be valid, held, used and enjoyed by them as effectually to all intents and purposes as if the said certificate had been duly signed and verified by the oath of the Directors, or a majority of them, before a Justice of the Peace, and had been duly filed in the office of the Provincial Secretary pursuant to the provisions of the said Act of Assembly.

CAP. LVIII.

An Act to ratify and confirm the incorporation of the East Albert Mining and Manufacturing Company.

Passed 17th June 1867.

WHEREAS pursuant to the terms and provisions of the Act of Assembly, intituled *An Act relating to Corporations*, James Blight, John Wallace, William Wallace, John Beatty, and Reverend James A. Smith, did on the second day of April in the year of our Lord one thousand eight hundred and sixty five, file in the office of the Provincial Secretary a Memorandum of Association for the incorporation of a Company to be styled "The East Albert Mining and Manufacturing Company," for the purpose of mining coal, shale, asphalt, asphaltic rock, plaster or gypsum, and all other minerals whatsoever; and for raising, manufacturing and trading in oils and other illuminating and lubricating substances, and such other business as may be incident thereto, with a capital of three hundred thousand dollars, to be divided into three thousand shares of one hundred dollars each, and stating that the office or principal place of business will be established at Hillsborough, in the County of Albert; and whereas the Provincial Secretary did on the same day grant his certificate thereof in the terms required by the said Act, and did give notice in the Royal Gazette of the granting of such certificate, with the terms thereof; whereupon the said James Blight, John Wallace, William Wallace, John Beatty, and Reverend James A. Smith, became and were a body corporate and politic by the name and style of "The East Albert Mining and Manufacturing Company," for the purpose in the said certificate certified, and for

such purpose had all the powers made incident to a Corporation by Act of Assembly; and whereas fifteen per cent. of the proposed capital stock was paid in for the purposes of the Company within two years from the publication of such notice in the Royal Gazette; but the certificate of such payment having been made, was not filed in the office of the Provincial Secretary within two years from the publication of such certificate, as required by the said Act of Assembly;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That notwithstanding such non-compliance with the terms and provisions of the said Act, the said James Blight, John Wallace, William Wallace, John Beatty, and Reverend James A. Smith, their successors and assigns, are declared to be, from and after the publication of such notice, a body corporate and politic by the name of “The East Albert Mining and Manufacturing Company,” with all the rights, powers and privileges incident to a Corporation by Act of Assembly; and all acts done and to be done and performed by them, and all properties, rights, powers and privileges acquired or to be acquired by them, are and shall be valid, held, used and enjoyed by them as effectually to all intents and purposes as if the said certificate had been duly filed in the office of the Provincial Secretary, pursuant to the provisions of the said Act of Assembly.

CAP. LIX.

An Act to revive and continue the several Acts of Assembly for the repair of the Streets and Highways in part of the Parish of Woodstock, in the County of Carleton, so far as the same relate to the Upper Woodstock Road District.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That an Act made and passed in the ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock*, and also an Act made and passed in the tenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in addition to and in amendment of an Act intituled An Act to provide for the repair of the Streets and Highways in part of the Parish of Woodstock*, be and the same are hereby severally revived, continued, and declared to be in full force and effect, until the first day of

June which will be in the year of our Lord one thousand eight hundred and seventy, in the District known as the Upper District in the said Parish of Woodstock, as set apart by the twelfth Chapter of eighteenth of Queen Victoria, intituled *An Act to divide the Shire Town of Woodstock, in the County of Carleton, into two separate Districts, for Road and Fire purposes.*

CAP. LX.

An Act to revive an Act intituled *An Act to provide for making Rules and Regulations for the management of the Poor House in the Parish of Saint Andrews.*

Section

1 Act 5 Geo. 4, cap. 10, revived.

Section

2 Act 28 Vic. cap. 42, repealed.

Passed 17th June 1867.

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

1. That an Act made and passed in the fifth year of the Reign of His Majesty King George the Fourth, intituled *An Act to provide for making Rules and Regulations for the management of the Poor House in the Parish of Saint Andrews*, be and the same is hereby revived and declared to be in full force and effect.

2. That an Act made and passed in the twenty eighth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to repeal an Act to provide for making Rules and Regulations for the management of the Poor House in the Parish of Saint Andrews*, be and the same is hereby repealed.

CAP. LXI.

An Act in addition to an Act intituled *An Act to enable the Corporation of the City of Saint John to improve the Ferries in the Harbour of Saint John.*

Section

1 Corporation may borrow additional sum for Ferries.

2 Debentures to be issued; when payable.

Section

3 How interest and sinking fund provided.

4 Deficiency to be paid from general revenues of City.

Passed 17th June 1867.

WHEREAS an additional sum is required for the improvement of the Ferries in the Harbour of Saint John;—

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, and they are

hereby authorized and empowered to borrow an additional sum of six thousand dollars beyond the sum authorized by an Act passed in the twenty eighth year of the Reign of Her present Majesty, intituled *An Act to enable the Corporation of the City of Saint John to improve the Ferris in the Harbour of Saint John*; such additional sum to be applied toward the improvement of the public Ferris and approaches thereto, and buildings and improvements connected therewith, in the City and Harbour of Saint John.

2. The said additional sum of six thousand dollars shall be borrowed in loans of not less than four hundred dollars each, and Debentures, payable in twenty years from the first day of June next, with Coupons for interest, shall be issued to the persons from whom any such loan may be obtained, in similar form and negotiable in the same manner as provided by said Act to which this is an addition.

3. The sum of five hundred dollars in each year for twenty years from the passing of this Act shall be taken from the revenue derivable from the Ferris in said City and Harbour, and shall be a charge on said revenues after the charge thereupon provided by said recited Act, and shall be paid and appropriated in the first place to pay the interest on the Debentures issued under this Act, and the balance of said sum of five hundred dollars, after payment of said interest in each year, to form a sinking fund, to accumulate during said term of twenty years, and then be applied toward the payment of said Debentures issued under this Act, and the moneys forming such sinking fund shall be from time to time invested as provided by said recited Act, and the securities held in trust for the purposes of this Act.

4. Any deficiency in the said sinking fund to provide for the full payment and satisfaction of the said Debentures shall, in the last year of the said twenty years, be paid out of the general revenues of the said City.

CAP. LXII.

An Act relating to the widening of Cross Street in the City of Saint John.

Section

- 1 Report of Commissioners, &c. confirmed, and to be filed.
- 2 Estimate and assessment in Schedule B, confirmed.
- 3 Estimate and assessment marked D, declared void.

Section

- 4 Proceedings in reference to undivided estates and estates of married women.
- 5 Secs. 1, 2, & 3, of cap. 46, 21st Vic. to apply to Report, estimate, and assessment.

Passed 17th June 1867.

WHEREAS the Commissioners appointed under the Act of Assembly passed in the twenty ninth year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to the widening of Cross Street in the City of Saint John*, made their Report, dated the twelfth day of November now last past, and in their said Report and Schedules annexed thereto set forth certain estimates and assessments made by them under the provisions of said recited Act, and of an Act made and passed in the eighteenth year of the Reign of Her said present Majesty, Chapter ten, intituled *An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*, the first of such estimates attached to said Report being marked B; and whereas in certain cases in which persons appealed under the provisions of the law from the said estimate of the said Commissioners, awards were made increasing the value of land taken for the widening of said Street, and altering the amounts to be received; and the said Commissioners did thereupon correct the said estimate and assessment agreeably to said awards, and did attach to said Report an amended estimate and assessment marked D; and whereas doubts have arisen as to the sufficiency of said Report and the correctness of the proceedings of the said Commissioners under the said Acts for the widening of Cross Street as therein set forth, and in consequence thereof the Mayor, Aldermen and Commonalty of the City of Saint John have not accepted and filed such Report, and proceedings are pending before the Supreme Court of this Province relating thereto; and it is desirable to remove the said doubts and to confirm the said estimate marked B attached to said Report, and to add the sums of money payable under said awards to the amount directed to be assessed upon the City of Saint John, and to confirm the said Report in other respects, and the amended plan referred to therein;—

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

1. The said Report of the said Commissioners, appointed under the said Act of Assembly made and passed in the twenty ninth year of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to the widening of Cross Street in the City of Saint John*, (except as hereinafter is

excepted,) and the estimate and assessment therein referred to and thereunto annexed, by Schedule marked B, are hereby declared to be good, sufficient, valid and effectual in the law, and the acts of the said Commissioners relating to the widening of the said Cross Street are hereby confirmed; and the said Commissioners immediately after the passing of this Act shall present the said Report to the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council, and the said Mayor, Aldermen and Commonalty of the City of Saint John shall thereupon accept and file said Report; and immediately upon the coming in and filing of such Report, the same, as hereby confirmed, shall be final and conclusive, as well upon the said Mayor, Aldermen and Commonalty of the City of Saint John, as upon the owners, lessees, parties or persons interested in and entitled unto the lands, tenements, hereditaments and premises mentioned in the said Report, or referred to or designated in the plan deposited by the said Commissioners in the Common Clerk's office, as amended on the twentieth of August last past, and filed therein on the twelfth day of November last past, which plan is hereby made a part of said Report; and the several descriptions, metes and bounds in said plan shewn and designated are hereby declared to be an apt and sufficient designation and description of the several lots and parcels of land or other tenements, hereditaments and premises required for the purposes of widening the said Street, and also of the several lots and parcels of land and other tenements, hereditaments and premises fronting on the said Street or lying in the vicinity thereof, and in the discretion and opinion of the Commissioners benefited thereby, as shewn on the said plan by bounds, lines, and numbers; and the said Mayor, Aldermen and Commonalty of the City of Saint John shall, immediately upon the filing of the said Report, become vested absolutely with the lands taken by the said Commissioners for widening said Street, as shewn in the said plan; and the said Mayor, Aldermen and Commonalty shall immediately thereupon proceed under the said Act of Assembly eighteenth Victoria, Chapter ten, to open and widen the said Street.

2. The estimate and assessment made by the said Commissioners, and reported by them as shewn and set forth in

the said Schedule annexed to their said Report, and marked B, is hereby made a part of the said Report, and is hereby declared to be and is made good, valid and binding on the several persons and properties mentioned and set forth in the said estimate and assessment, and shewn on the said plan, and the several persons are hereby declared liable to pay the several amounts assessed against them, and the several properties are hereby declared chargeable with the same, as shewn therein respectively; and the said Mayor, Aldermen and Commonalty of the City of Saint John shall proceed to collect, levy, and recover, and pay and apply the same, as provided by the said recited Acts.

3. The estimate and assessment marked D annexed to the said Report, is hereby declared to be void and of no force and effect; and the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council, shall add to the sum to be assessed by them under the second Section of the said Act made and passed in the twenty ninth year of the Reign of Her present Majesty, Chapter twenty, the several amounts and sums of money awarded by the arbitrators as reported by the said Commissioners, and shall pay such sums, when collected, to the parties entitled thereto under such awards; and shall also add to the said general assessment all costs and expenses that may have been incurred relating to and consequent on questions arising upon said Report, together with interest upon the respective amounts due and payable to the respective parties whose lands have been taken for the widening of the said Street, from the time of the passing of this Act until the time of the payment thereof.

4. In all cases in the said Report and plan wherein the said Commissioners have set forth and designated that the said lots of land, or any of them, or any part thereof, are held by the estate or estates of deceased persons, and the same have been assessed against such estate, and amounts have been assessed against married women as owners of any such lot or lots, or otherwise assessed by insufficient descriptions of the owners or persons interested in the said lands and hereditaments, so that such owners and persons interested cannot be sufficiently known, or the amount collected and enforced, then the said Mayor, Aldermen and Commonalty

of the City of Saint John may in every such case proceed as though the said Commissioners had made such estimate and assessment under the provisions of the third Section of the said Act eighteenth Victoria, Chapter ten, as directed in cases where the owners and parties interested are unknown or not fully known to the Commissioners.

5. The provisions of the first, second and third Sections of an Act made and passed in the twenty first year of the Reign of Her present Majesty, intituled *An Act to further amend an Act intituled An Act to authorize the opening of a Street from Church Street to Princess Street in the City of Saint John*, are hereby declared to extend and apply to the Report and estimate and assessment hereinbefore referred to, and by this Act confirmed, as fully and effectually as if the several provisions of the said first, second and third Sections of said Act twenty first Victoria, Chapter forty six, had been fully set forth and enacted in the said Acts eighteenth Victoria, Chapter ten, and twenty ninth Victoria, Chapter twenty, and this Act.

CAP. LXIII.

An Act to incorporate the International Hotel Company of the City of Saint John.

Section	Section
1 Company incorporated.	6 Appointment of officers; salaries.
2 Capital.	7 Votes. [tion.
3 Shares assignable.	8 Liability of shareholders to Corpora-
4 First meeting; bye laws; election of Directors and President.	9 Shares to be assessed; sale of delinquent shares.
5 Annual meeting.	10 Liability of Company.

Passed 17th June 1867.

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

1. That Frederick I. C. Burpee, Simeon Jones, Lewis J. Almon, James G. Forbes, Howard D. Troop, William Davidson, and B. T. Cregan, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate by the name of "The International Hotel Company of the City of Saint John," and by that name shall have all the general powers and privileges incident to a Corporation by Act of Assembly in this Province.

2. That the property of the said Corporation shall be divided into two thousand shares of fifty dollars each, and every member of the said Corporation shall have and be

entitled to have a certificate under the seal of the said Company, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.

3. 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 and effectual unless the same shall be entered and registered in a book to be kept by the Directors for that purpose; in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the Company, he shall cease to be a member of the said Corporation.

4. When five hundred shares of the capital stock shall have been subscribed, a general meeting of the subscribers shall be held in the City of Saint John, and shall and may be called by any two persons named in this Act, by giving notice thereof for twenty days in one or more of the public newspapers published in the City of Saint John, at which, or any subsequent meeting to be for that purpose holden, bye laws shall be established, and five Directors shall be elected, who shall be members and stockholders of and in the said Corporation to such an extent as may be required by the said bye laws, which Directors, so chosen, shall at their first meeting after their election choose one of their number President of the said Company, and shall serve until the first annual meeting of the said Company, or until others are chosen in their stead, which Directors shall have full power and authority to manage the concerns of the said Company, and shall commence operations thereof, subject nevertheless to the laws and regulations which may from time to time be made by the said Corporation.

5. A general meeting of the stockholders of the said Corporation shall be annually holden on the first Wednesday in January in each and every year at the City of Saint John, at which annual meeting there shall be chosen of the said members five Directors, (duly qualified according to the rules and regulations of the said Company,) who shall continue in office for one year or until others are chosen in their place, and the Directors, when chosen, shall at their first meeting choose one of their number a President.

6. The Directors for the time being shall and may appoint a Secretary-Treasurer, and such other officers, clerks and servants as they, or the major part of them, shall think necessary for executing the business of the Corporation, and shall allow them (out of the funds of the Corporation) such compensation for their respective services as to them shall appear reasonable and proper, and the Directors shall likewise exercise such other powers and authorities for the well regulating the affairs and managing the business of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Every person owning a share in the capital stock of 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 a stockholder and authorized in writing.

8. That each and every shareholder in the said Company shall be held liable to the said Corporation for each and every call and assessment made, not, however, to exceed in amount the stock subscribed for, for the purpose of enabling the said Company to pay the debts and engagements of the said Corporation, or to carry on the operations for which the said Company is incorporated, and shall and may be sued for by the said Corporation and recovered in any Court of Record within this Province.

9. The said Company shall have power to levy and collect assessments upon the shares from time to time of such sums of money as may be deemed necessary for carrying on the business of the said Company, and whenever any assessment shall be made by the stockholders or Directors of the said Company, it shall be the duty of the Secretary-Treasurer to give notice thereof in one or more newspapers printed in the City of Saint John, requiring payment of the same within thirty days, and if any stockholder shall refuse or neglect to pay the Secretary-Treasurer the amount of such assessment upon his shares at the time prescribed, it shall be the duty of the Secretary-Treasurer to advertise all such delinquents shares for sale at public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not then paid, with

interest from the time such assessment became due, shall be sold to the highest bidder, and after retaining the amount of such assessment and interest due on each share, and the expense of advertising and selling, the residue (if any) shall be paid over to the former owner, and a new certificate or certificates of the shares so sold shall be made out and delivered to the purchaser.

10. That the joint stock and property of said Corporation shall alone be responsible for the debts and engagements of the said Company, and that no creditor or person 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 stockholder on account thereof.

CAP. LXIV.

An Act relating to the Fredericton Railway Company.

Section

1 Company authorized to issue Debentures; amount; when payable.

Section

2 Statement of Debentures issued to be filed in Secretary's office.

3 Provision for payment of Debentures.

Passed 17th June 1867.

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

1. That the Fredericton Railway Company, in addition to the powers heretofore granted, may issue Debentures or Certificates of Debt in such sums and of such denominations as the said Company shall deem advisable, not to exceed however, in the whole, the sum of one hundred and fifty thousand dollars, the said Debentures or Certificates to be made payable in not exceeding three years from the date of issue, signed by the President and countersigned by the Secretary.

2. Whenever the said Company shall issue any Debentures or Certificates of Debt under the provisions of this Act, it shall be the duty of the said Company and they are hereby required to file a statement containing the number, date, amount, and the name of the person or persons to whom the said Debentures or Certificates of Debt are made payable, in the office of the Provincial Secretary.

3. That in order to provide for the payment of the said Certificates of Debt, authorized to be issued under the provi-

sions of this Act, the said Company are hereby authorized to assign and make over to the holder or respective holders of the said Certificates of Debt the subsidy provided to be paid under the provision of an Act made and passed in the twenty seventh year of the Reign of Her present Majesty, intituled *An Act in aid of the construction of Railways*, or any part or parts of such subsidy, which assignment or respective assignments shall be executed under the seal of the said Corporation; and the respective holders of the said Certificates of Debt shall have all the rights and privileges for payment of any money that may become due and payable to the said Company under the provisions of the said last mentioned Act, as fully as the said Company would have had if no such assignment had been made; and on production and discharge of the said respective Certificates of Debt by the respective holder or holders thereof at the office of the Provincial Secretary, the Governor in Council may order and direct the Provincial Treasurer to pay the amount to the respective holders of the said Certificates of Debt and assignments of the said subsidy, to the amount of the said Certificates and assignments respectively; and such payment to the respective holders of the said Certificates of Debt, and assignment of the said subsidy, shall be an absolute discharge of the claims of the said Company to such subsidy to the extent of the payments made under such Certificates of Debt and assignments thereof; provided always, that the holders of such Certificates, or assignments thereof, shall have no claim whatever to any part of the said subsidy until the requirements of the said Subsidy Act shall be in every respect complied with to the satisfaction of the Governor in Council, and approved by them accordingly.

FORM OF DEBENTURE.

No. —

\$ —

Fredericton Railway Company.

The Fredericton Railway Company promise to pay to _____, or his assigns, the sum of _____ dollars, current money of New Brunswick, in _____ years from the date hereof.

In testimony whereof, we, the President and Secretary of the said Company, have hereunto set our hands, and affixed the seal of the said Company, this _____ day of _____ A. D. 18 .

J. R., *Secretary.*T. T., *President.*

CAP. LXV.

An Act to empower the City Council of the City of Fredericton to contract a Loan in aid of the Fredericton Railway.

Section

- 1 City Council authorized to borrow \$50,000.
- 2 Amount of aid to be given.
- 3 Money advanced (in conjunction with advances by County) to stand as second mortgage; in what case to be first charge.
- 4 Certificate of amount advanced to be given to City Treasurer.

Section

- 5 Condition of mortgage.
- 6 City Council may issue Debentures.
- 7 How signed and sealed, and when payable.
- 8 City Treasurer to receive and pay money.
- 9 Assessment upon City to pay off principal and interest.
- 10 Debentures when to be paid off.

Passed 17th June 1867.

WHEREAS the City Council of the City of Fredericton having, at a meeting of the said Council, agreed and resolved to give to the Fredericton Railway Company, in aid of the construction of a line of Railway from the City of Fredericton to Hartt's Mills in the County of Sunbury, a bonus or subsidy of fifty thousand dollars, upon the conditions hereinafter specified;—

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

1. To enable the Corporation of the said City of Fredericton to carry out such agreement and determination, the City Council of the said City are hereby authorized and empowered to borrow such sum or sums of money in loans of not less than one hundred dollars each, not exceeding fifty thousand dollars in the whole, to be appropriated and applied according to the provisions of this Act.

2. When and so soon as it shall be certified to the said City Council by a competent Engineer, that one mile of the said Fredericton Railway is graded and ready for laying down and receiving the rails, the said City Council shall pay to the said Fredericton Railway Company the sum of two thousand dollars, and the like sum of two thousand dollars on the receipt of a similar certificate of each successive mile being so graded and ready for laying down and receiving the rails, until twenty miles of the said Fredericton Railway is completed; and when it shall be certified to the said City Council by a competent Engineer as aforesaid, that the remaining portion of the said line of Railway from Fredericton to Hartt's Mills as aforesaid is completed, and in good through working order, with the necessary stations, station houses, and rolling stock, the said City Council

shall pay to the said Fredericton Railway Company the balance of the said fifty thousand dollars, namely, the sum of ten thousand dollars.

3. For the purpose of securing the due and efficient completion of the said Fredericton Railway from Fredericton to Hartt's Mills aforesaid, and also for securing the continuous working of the said Railway for a period of twelve years after its full and final completion, any moneys advanced or paid to the said Company under the provisions of this Act shall attach and stand, and are hereby declared to be, in conjunction with any moneys advanced to the said Fredericton Railway Company by the Municipality of the County of York, under the provisions of any Act of Assembly made or to be made in relation to any bonus or subsidy given by the said Municipality to the said Fredericton Railway Company, a second mortgage or second charge, to stand (immediately after the primary mortgage or first charge to the Queen, as provided in and by an Act of the General Assembly made and passed in the twenty seventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in aid of the construction of Railways*,) in favour of the said City of Fredericton and the said County of York, *pro rata*, according to the sums respectively paid by the said City of Fredericton and County of York as aforesaid, upon the said Fredericton Railway, and upon the stations, station houses, rolling stock and property of every description belonging to the said Fredericton Railway Company, and the same shall attach immediately upon the advance or payment of any portion of the said bonus or subsidy upon all property of every description owned by the said Railway Company; provided always, and it is hereby declared to be the true intent and meaning of this Act, that should it so happen that there should be no primary mortgage or first charge to the Queen as aforesaid, that then and in such case the moneys paid by the said City Council and Municipality as aforesaid, shall attach and stand as a primary mortgage or first charge upon all the property of and belonging to the said Fredericton Railway Company.

4. In order to fix and ascertain the amounts from time to time advanced and paid to the said Fredericton Railway Company by the City Council, the President and Treasurer

of the said Fredericton Railway Company shall deliver a certificate to the City Treasurer of the City of Fredericton, stating the amount so received, which certificate shall be sufficient evidence of such mortgage or charge under this Act; provided always, that when the said road shall be completed, and the primary mortgage or first charge to the Queen for the benefit of the Province, as provided by the said Act of Assembly, intituled *An Act in aid of the construction of Railways*, shall cease and determine, then and in such case the said second mortgage or second charge to the said City of Fredericton and County of York jointly, shall, for the purposes hereinafter named, become a primary mortgage or first charge upon the said line of Railway, stations, station houses, rolling stock and property of every description belonging to the said Fredericton Railway Company.

5. The said second mortgage or second charge in favour of the said City of Fredericton is hereby declared to be held solely as a security to the said City of Fredericton, that the said Fredericton Railway shall be efficiently completed from the said City of Fredericton to Hartt's Mills aforesaid; and when the said second mortgage or second charge shall become a primary mortgage or first charge, as provided by this Act, the said primary mortgage or first charge shall be and remain a continuing security to the said City of Fredericton, in conjunction with the said County of York, that the said Fredericton Railway shall, for a period of twelve years next after the final completion of the said Fredericton Railway, be kept in thorough repair, in complete and efficient working order, and used as and for a Railway, and for no other purpose whatever.

6. It shall and may be lawful for the said City Council to issue Debentures, with Coupons, at a rate not to exceed six per cent. per annum, payable semi-annually to the lenders thereof, in such form as the City Council may deem expedient; which Debentures and Coupons shall be respectively negotiable in the same manner as promissory notes payable to the lender or bearer.

7. The said Debentures shall be sealed with the Common Seal of the Corporation of the City of Fredericton, and be signed by the Mayor and countersigned by the City Clerk, and shall be consecutively numbered according to the times

at which the same shall be issued, and shall be made payable in not less than five years and not exceeding twenty five years from the respective dates of issue.

8. All moneys loaned to the Corporation of the City of Fredericton under and by virtue of this Act shall be paid by the lenders thereof to the City Treasurer, and by him paid to the Fredericton Railway Company by order of the City Council, the said City Treasurer holding and paying the same exclusively for the purposes of this Act.

9. The said City Council are hereby authorized and empowered to order, make and levy a rate of assessment on the whole of the inhabitants of the said City of Fredericton liable to be rated and assessed for any rate or assessment within the said City, of a sum not exceeding three thousand dollars in each and every year, as will pay the interest on the Debentures issued under the provisions of this Act, and a sum not exceeding two thousand dollars, as will pay such and so much of the principal sum borrowed as the said City Council may deem expedient, besides the charges of assessing and collecting, for the purpose of discharging the principal and interest of the loans contracted by virtue of this Act, until the same shall be paid off; the said several sums to be assessed, levied, collected and paid in such proportions and in like manner as any City rates for public charges, only that the tax upon the poll of each inhabitant shall be not less than five shillings, and when collected shall be holden by the City Treasurer for the payment of the said interest, or interest and principal, (as the case may be) exclusively for the purposes of this Act.

10. The moneys so assessed shall from time to time be applied in payment of the said Debentures and the interest due thereon; and the City Treasurer shall, when and so often as he may be directed by the City Council so to do, give one calendar month's public notice by advertisement in one or more of the newspapers of the City for calling in such and so many of the said Debentures, whether due or not, as the said City Council may be prepared to pay off, specifying the number of such Debentures in such advertisement, and the same by and under such order as aforesaid shall pay off accordingly; and from and after the expiration of such notice the interest on such Debentures shall cease.

CAP. LXVI.

An Act to enable the County Council of the Municipality of the County of York to aid the Fredericton Railway Company in constructing a Line of Railway from Fredericton to Hart's Mills, to connect with Western Extension.

Section

- 1 County Council may issue Debentures in favor of Railway Company.
- 2 When and for what amount Debentures to be delivered to Company.
- 3 Amount advanced (in conjunction with advances by City) to be second mortgage on Railway; when first.
- 4 Receipt for Debentures to be given by Company.

Section

- 5 Condition of mortgage.
- 6 In case of sale of Railroad, what balance to be paid to County Council.
- 7 Total amount of Debentures, and when payable.
- 8 How signed and sealed.
- 9 Assessment to pay off principal and interest.

Passed 17th June 1867.

WHEREAS the County Council of the Municipality of the County of York, at a special meeting of the said County Council held in the City of Fredericton on Monday the thirteenth day of May in the year of our Lord one thousand eight hundred and sixty seven, for the purpose of taking into consideration the propriety of granting aid to the Fredericton Railway Company, the said County Council agreed to give the said Fredericton Railway Company, as a bonus or subsidy, County Debentures not exceeding thirty thousand dollars in the whole, in Debentures of two hundred dollars each, in favour of the said Fredericton Railway Company, the time of payment not to exceed twenty years from the date of the issuing thereof, and upon the same conditions as made by the City Council on granting the sum of fifty thousand dollars to aid the said Fredericton Railway Company, and with a further condition hereinafter mentioned;—

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

1. To enable the County Council of the Municipality of the County of York to carry out their agreement with the said Fredericton Railway Company, the said County Council of the Municipality of the County of York shall have power to issue Debentures of two hundred dollars each, to the amount of not exceeding thirty thousand dollars, in favour of the said Fredericton Railway Company, at the times, in the manner, and subject to the conditions and requirements hereafter particularly mentioned.

2. When and so soon as it shall be certified to the said County Council by a competent Engineer that one mile of

the said line of Railway is graded and ready for the laying down and receiving the rails, the said County Council shall deliver to the said Fredericton Railway Company, County Debentures of two hundred dollars each in favour of the said Fredericton Railway Company, to the amount of twelve hundred dollars, and Debentures of the like sums and amount on the receipt of a similar certificate of each successive mile being so graded and ready for laying down and receiving the rails, until twenty miles of the said line of Railway is completed; and when it shall be certified to the said County Council, by a competent Engineer as aforesaid, that the remaining portion of the said line of Railway from Fredericton to Hartt's mills is completed and in good through working order, with the necessary stations, station houses, and rolling stock, the said County Council shall deliver to the said Fredericton Railway Company similar Debentures to the amount of six thousand dollars, being the balance of the said grant of thirty thousand dollars, in Debentures as aforesaid.

3. For the purpose of securing the due and efficient completion of the said line of Railway from Fredericton to Hartt's mills aforesaid, to connect with western extension, and also for securing the continuous working of the said Railway for a period of twelve years after its full and final completion, the delivery of any Debentures to the Fredericton Railway Company, under the provisions of this Act, shall all attach and stand and are hereby declared to be, in conjunction with any moneys advanced to the said Fredericton Railway Company by the City of Fredericton, under the provisions of any Act of Assembly made, or to be made, relating to any bonus or subsidy given by the said City of Fredericton to the said Fredericton Railway Company, as a second mortgage or second charge, to stand immediately after the primary mortgage or first charge to the Queen, as provided in and by an Act made and passed in the twenty seventh year of the Reign of Her present Majesty Queen Victoria, intituled *An Act in aid of the construction of Railways*, in favour of the said Municipality of the County of York and the said City of Fredericton, *pro rata*, according to the sums paid in money and County Debentures respectively delivered by the said County Council of the Municipality of the

County of York and City of Fredericton, upon the said line of Railway, and upon the stations, station houses, and rolling stock and property of every description belonging to the said Fredericton Railway Company, and the same shall attach immediately upon the delivery of the said Debentures by the said County Council, and payment of any of the moneys by the said City Council, as the advance of the said bonus or subsidy, upon all the property owned by the said Fredericton Railway Company, and in preference to any charge that may be given by the said Fredericton Railway Company to any person or persons, or body corporate, on the said Railroad, and the lands, goods, and effects, and property, toll, income and profits of the said Company, by Section seven of an Act of the General Assembly of this Province made and passed in the twenty ninth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to incorporate the Fredericton Railway Company*, or by any other Section of the said Act; provided always, and it is hereby declared to be the true intent and meaning of this Act, that should it so happen that there should be no primary mortgage or first charge to the Queen as aforesaid, that then in such case the County Debentures delivered by the said County Council, and the moneys paid by the said City Council as aforesaid, shall attach and stand as a primary mortgage or first charge upon all the property of and belonging to the said Fredericton Railway Company.

4. In order to fix the amount in money advanced and paid by the said City of Fredericton, and the Debentures delivered by the Municipality of the County of York to the said Fredericton Railway Company, the receipt from the President or Treasurer of the said Fredericton Railway Company, of the delivery of the said Debentures by the said County Council, or payment of the money by the said City Council, or a certificate from the President or Treasurer of the said Fredericton Railway Company, stating the number of Debentures received from the said County Council, and money received from the said City of Fredericton, shall be sufficient evidence of such mortgage or charge under this Act; which certificate the said President or Treasurer is required to give upon application made therefor; provided always, that when the said road shall be completed, and the

primary or first charge to the Queen, for the benefit of this Province, as provided by the said Act of Assembly, intituled *An Act in aid of the construction of Railways*, shall cease and determine, then and in such case said second mortgage or second charge to the said City of Fredericton and Municipality of the County of York jointly, shall, for the purposes hereinafter mentioned, become a primary mortgage or first charge upon the said line of Railway, stations, station houses, rolling stock and property of every description belonging to the said Fredericton Railway Company.

5. The said second mortgage or second charge in favour of the said City of Fredericton and Municipality of the County of York, is hereby declared to be held solely as a security to the said City of Fredericton and Municipality of the County of York, that the said line of Railway shall be efficiently completed from the said City of Fredericton to Hartt's Mills aforesaid; and when the said second mortgage or second charge shall become a primary mortgage or first charge, the same shall be and remain a continuing security to the said City of Fredericton and Municipality of the County of York, that the said line of Railway as aforesaid shall, for a period of twelve years next after final completion of the Fredericton Railway, or line of Railway as aforesaid, be kept in thorough repair and complete and efficient working order, and used as and for a Railway, and for no other purpose whatsoever.

6. That in case the said Fredericton Railway Company should sell said Railroad to any Government or Railroad Company; the balance, after paying the said Company their subscribed and paid up stock and interest, if any, shall be paid to the County Council of the Municipality of the County of York, to the extent of the capital or bonus or subsidy given in Debentures by the County Council of the Municipality of the County of York, in conjunction with the City of Fredericton; and that any Government or Railroad Company purchasing said Railroad, shall take the same subject to the provisions and conditions of this Section.

7. That the said County Council of the Municipality of the County of York is hereby authorized and empowered to issue Debentures, not exceeding thirty thousand dollars in the whole, in favour of the Fredericton Railway Company,

in Debentures of two hundred dollars each, with Coupons attached; time of payment not to be less than five nor more than twenty years from the date of the issuing thereof; the interest to be payable semi-annually.

8. That the said Debentures shall be signed by the Warden and countersigned by the Secretary-Treasurer, and shall have the County Seal attached thereto, and Coupons for the payment of the interest.

9. That the County Council of the Municipality of the County of York are hereby authorized and empowered to make a rate and assessment in each and every year, of a sum of money sufficient to discharge the interest and such part of the principal as shall be necessary to pay and discharge the Debentures as they respectively shall become due, together with the expenses of assessing, levying and collecting the same; all of which several sums of money shall be assessed, levied and collected in the same manner as other County and Parish rates are assessed, levied and collected.

CAP. LXVII.

An Act to incorporate the Saint Andrews Deep Sea Wharf and Railway Company.

Section

- 1 Company incorporated; when and where Wharf and Railroad may be constructed.
- 2 Capital stock; number of Directors; appointment of officers.
- 3 First meeting.
- 4 Bye laws.
- 5 Powers granted to be exercised by Company or their agents.
- 6 Calls, how and by whom made.
- 7 Interest on unpaid calls.

Section

- 8 Company may sue for assessment.
- 9 How to declare.
- 10 & 11 Proof.
- 12 When shares forfeited and sold.
- 13 Tolls.
- 14 Annual meeting; choice of Directors; votes; special meetings.
- 15 Shares transferable.
- 16 Directors may mortgage property and income of Company.
- 17 Entry on reserved lands.

Passed 17th June 1867.

WHEREAS the erection of a Deep Sea Wharf at the Port of Saint Andrews will be of great advantage to the commercial interests of the said Port;—

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

1. That Benjamin R. Stevenson, Charles E. O. Hatheway, George F. Campbell, Robert Stevenson, James R. Bradford, James Russell, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate by the name of "The Saint Andrews Deep Sea Wharf and

Railway Company," and by that name shall have perpetual succession, and a common seal, and 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 enjoy all proper remedies by law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter enjoined, and to prevent all invasion thereof in exercising and performing the same; and the said Corporation, as soon as the sum of five thousand dollars of the capital stock shall be actually paid, are hereby authorized and empowered to locate, erect, and construct, and finally complete, alter and keep in repair, a Deep Sea Wharf at a point near the western entrance of the Harbour of Saint Andrews, and also a Railroad with one or more sets of rails or tracks, with all suitable bridges, viaducts, turnouts, culverts, drains, and other necessary appendages, from the said Wharf, over the most practicable route, to the line of the Railroad of the New Brunswick and Canada Railway and Land Company, when the said Company may deem it expedient so to do; and 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 purposes and objects of this Act, and for that purpose the 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 use and operation of the said Wharf and Railroad, and the stations connected therewith; and they shall also have the right to take, remove and use for the construction and repair of said Railroad and Wharf and appurtenances, any earth, gravel, stone or other material on or from the land so taken; and also to erect such wharves, jetties, piers, docks, landings, buildings and warehouses at the termini or on the line of the said Railway, and to purchase and acquire such floats or other machinery as may be necessary for the making and maintaining the said Wharf and Railway, and other purposes of this Act; provided however, that the said land so taken for the said Wharf shall not exceed five hundred feet in width, and for the route of the said Railroad not exceeding three

rods in width, except where greater width is necessary for the purpose of excavation or embankment; and provided also, that in all cases the said Corporation shall pay for said lands, estate and materials so taken and used, such price as they and the respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the 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 the Act made and passed in the thirteenth year of the Reign of Her present Majesty, intituled *An Act relating to the Saint Andrews and Quebec Railroad*, as also for the recovery of the same; and all applications for damages shall be made within three years from the time of taking such land or other property, and not after.

2. The capital stock of the said Corporation shall consist of fifty thousand dollars, to be divided into two thousand shares of twenty five dollars each, with power to increase to seventy five thousand dollars; and the immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation in manner hereinafter provided, and shall hold their offices until others are chosen in their stead, 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 be the President of the Corporation; and the said Directors 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 give bonds to the Corporation with sureties to the satisfaction of the Directors for the faithful discharge of his trust.

3. Any three of the persons named in the first Section of this Act are hereby authorized to call the first meeting of the 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 appointed in such notice.

4. 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 the due and orderly conducting of their affairs, and the management of their property.

5. 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 said Corporation, for the purpose of locating, erecting and completing the said Deep Sea Wharf and Railway, and to make such connection with any Railway Company, either by leasing their Road to such other Corporation on such terms as may be agreed upon, or by consolidating the stock of their Road with that of other Railroad Companies or Company, upon such terms as may be agreed upon; to make, execute and deliver good and sufficient mortgage deed or deeds of their said Wharf and Road, with their appurtenances, to such private persons or Corporations within or without this Province, as they may think the interest of the shareholders in their Company requires.

6. It shall be lawful for the said President, Directors and Company from time to time, to make such calls of money upon the respective stockholders, in respect of the amount of capital respectively subscribed or owing by themselves, as they shall deem necessary; provided that thirty days at the least shall be the interval between successive calls, and twenty days previous notice of payment being required for any one call shall be given in one of the newspapers published in the said County of Charlotte; and no call which shall be made shall exceed ten per cent. on the amount of capital or stock belonging to any individual; and every shareholder, and his legal representatives, 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.

7. If before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same, at the rate allowed by law, from the day appointed for the payment thereof to the time of actual payment.

8. If at the time appointed by the said President, Directors and Company for the payment of any call, any share-

holder 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.

9. In any action or suit to be brought by the said Company against any shareholder to recover any money due for any call it shall not be necessary to set forth the special matter, but it shall be sufficient for the said Company to declare that the defendant is the holder of one or more shares in the said Company, (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.

10. 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 or more shares in the said undertaking, and that such call was in fact made, and such notice given, as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the said Company shall be entitled to recover what shall be due on such call, and interest thereon, with costs, unless it shall appear either that such call exceeds the prescribed amount aforesaid, or that the prescribed interval between two successive calls had not elapsed as aforesaid.

11. 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; and with respect to the provisions in this Act contained for enforcing the payments, the word "shareholder" shall extend to and include the personal representatives of such shareholder.

12. In case any stockholder shall neglect to pay any assessment or call on his share or shares for the space of thirty days from the day appointed for the payment thereof, the Directors may declare the said share or shares forfeited, and order the Treasurer to sell such share or shares at public auction, after giving thirty days notice of such sale in such

manner as the Directors may order, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent stockholder shall be liable to pay to the said Corporation the balance, if his share or shares shall sell for less than the assessment due thereon, with interest and cost of sale, to be recovered in the same manner as is in this Act prescribed for the recovery of calls on shares, and shall be entitled to the overplus if his share or shares shall sell for more than the assessment due, with interest and cost of sale; provided that no stockholder in said Company shall be in any manner whatever liable for any debt or demand due by the said Company beyond the amount of his, her or their shares in the capital stock of said Company not paid up.

13. A toll is hereby granted and established, for the sole benefit of said Corporation, upon all property landed on the said Wharf or stored in the warehouses thereon, and upon all passengers or property of all descriptions which may be conveyed or transported by them upon the Railroad, in connection with the said Wharf, at such rate as may be established from time to time by the Directors of the said Corporation, as also the right to demand a toll for side wharfage, at such rate as may be established from time to time by the Directors of the said Company.

14. The annual meeting of the said Corporation shall be holden on the second Tuesday in May in each year, 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 shareholder himself, or his 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 at least ten days public notice thereof in a newspaper published as aforesaid.

15. The said shares of the said Corporation shall be deemed personal estate, and transferable as such; and every such share shall entitle the holder thereof to a proportionate part of the profits and dividends of the said Company, after the making, erecting, completing and maintaining the said Wharf and Railroad, and other incidental expenses; but 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.

16. The Directors of the Company may from time to time, by deed, subject and charge in such manner as they think fit, the said Wharf and Railway, and the future lands, goods and other property and effects, tolls, incomes and profits whatsoever of the said Company, or such parts thereof as the Directors may think fit; and every deed executed by the Directors of the Company shall be under the common seal of the Company, which the Directors are hereby authorized to affix to every such deed, and under the hands and seals of three or more of the Directors of the said Company; and every deed so executed shall have as full effect, and be as binding and conclusive on the Company and the Directors of the Company, as if the terms and provisions of such deed were by this Act of Assembly expressly enacted and made binding and conclusive accordingly.

17. Nothing in this Act contained shall authorize the said Company or their contractors to enter upon any lands reserved for Naval or Military purposes, without the consent of Her Majesty.

CAP. LXVIII.

An Act to incorporate sundry persons by the name of "The President, Directors and Company of the Eastern Bank of New Brunswick, in the County of Westmorland."

Section	Section
1 Company incorporated.	23 Books, &c. subject to inspection.
2 Capital stock.	24 Notes, how signed and payable.
3 Real estate.	25 Liability for altered notes.
4 First meeting; bye laws; election of Directors.	26 Where Bank shall be kept.
5 Annual meeting; choice of President and Directors.	27 Statement of affairs for annual meeting and Legislature.
6 Appointment of officers; salaries.	28 No loan on pledge of stock.
7 Constitution of Board for business.	29 Committee to examine books, &c.
8 No Director to receive salary; compensation of President.	30 Special general meeting.
9 Qualification of Directors.	31 Closing of affairs on dissolution; liability of stockholders.
10 Cashier and Clerk to give bonds.	32 Indebtedness of Directors limited.
11 Votes of stockholders.	33 Semi-annual returns.
12 Proxies.	34 Delinquent sheet; delinquent Director not to act.
13 Subscription for stock limited.	35 Disqualification of Director by continued delinquency; vacancy, how filled.
14 Directors to fill vacancy in Board.	36 No action on note before presentment.
15 Notice of time and place of payment of instalments; when business to be commenced.	37 Shares deemed personal estate.
16 Specie in vaults to be counted.	38 Share liable to seizure.
17 Shares assignable.	39 Increase of capital; limit.
18 Transactions of Bank limited.	40 Sale of additional shares.
19 Liability for debts.	41 Distribution of premium.
20 Form of bills, &c.	42 Additional shares liable as original stock.
21 Amount of debts limited; liability for excess.	43 Limitation.
22 Dividends to be half yearly.	

Passed 17th June 1867.

WHEREAS it is thought that the establishment of a Bank in the County of Westmorland would promote the interests of the Province, by increasing the means of circulation;—

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

1. The Honorable Amos E. Botsford, Honorable Edward B. Chandler, Albert J. Smith, Bliss Botsford, James Dunlap, Charles Holstead, Joseph Hickman, William B. Chapman, William Wilson, Amos Ogden, Edward J. Smith, John L. Harris, Angus M'Queen, and James Dickson, Esquires, their associates, successors, or assigns, be and they are hereby declared to be a body corporate, by the name of "The President, Directors and Company of the Eastern Bank of New Brunswick, in the County of Westmorland," and they shall be persons able and capable in law to have, get, receive, take, possess and enjoy houses, lands, tenements, hereditaments, and rents, in fee simple or otherwise, and also goods and chattels, and all other things real, personal, or mixed, and also to give, grant, let or assign the same or any part thereof, and to do and execute all other things in and about the same as they shall think necessary for the benefit and advantage of the said Corporation; and also that they be persons able and in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of law and equity, or any other places whatsoever, in all and all manner of actions, suits, complaints, demands, pleas, causes and matters whatsoever, in as full and ample a manner as any other person or persons are in law capable of suing and being sued, pleading and of being impleaded, answering and of being answered unto; and also that they shall have one common seal to serve for the en sealing all and singular their grants, deeds, conveyances, contracts, bonds, articles of agreement, assignments, powers and warrants of attorney, and all and singular their affairs and things touching and concerning the said Corporation; and also that they, the said President, Directors and Company, or the major part of them, shall from time to time, and at all times, have full power, authority and licence to constitute, ordain, make and establish such laws and ordinances as may be thought neces-

sary for the good rule and government of the said Corporation, provided that such laws and ordinances be not contradictory or repugnant to the laws or statutes of that part of the United Kingdom of Great Britain and Ireland called England, or repugnant or contrary to the laws or statutes of this Province.

2. The capital stock of the said Corporation shall consist of current gold and silver coins of the Province, to the amount of two hundred thousand dollars; the sum of one hundred thousand dollars, one half part thereof, to be paid in current gold and silver coins of the Province within two years from the passing of this Act, and a further sum of one hundred thousand dollars within three years from the passing of this Act; the whole amount of the said stock to be divided into shares of one hundred dollars each, making in the whole two thousand shares.

3. The said Corporation shall have full power and authority to take, receive, hold, possess, and enjoy, in fee simple, any lands, tenements, real estates, and rents, to any amount not exceeding twenty thousand dollars; provided nevertheless, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding real estate to any amount whatsoever, by mortgage taken as collateral security for the payment of any sum or sums of money advanced by, or debts due to the Corporation; provided further, that the said Corporation shall on no account lend money upon mortgage, or upon lands or other fixed property, nor shall such be purchased by the said Corporation upon any pretext whatsoever, unless by way of additional security for the debts contracted with the said Corporation in the course of its dealings.

4. Whenever one thousand shares of the said capital stock shall have been subscribed, a general meeting of the members and stockholders of the said Corporation, or the major part of them, shall take place by notice in one or more of the public newspapers published in the Province, thirty days previous to such meeting, for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations, for the good management of the affairs of the said Corporation, as the members and stockholders of the said Corporation shall deem necessary, and also for the purpose of choosing five Directors, being stockholders and

members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided ; which Directors so chosen shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the affairs of the said Corporation, and shall commence the operations of the said Bank, subject nevertheless to the rules and regulations hereinafter made and provided ; at which general meeting the members and stockholders of the said Corporation, or the major part of them, shall determine the amount of payments to be made on each share, also the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the said Corporation, shall be binding on the stockholders, their successors and assigns.

5. There shall be a general meeting of the stockholders and members of the said Corporation, to be annually holden on the first Tuesday in June in each and every year, in the said County, at which annual meeting there shall be chosen by a majority of the said stockholders and members of the said Corporation, five Directors, each of whom shall be resident in the County of Westmorland, and continue in office for one year, or until others are chosen in their room ; in the choice of which Directors the stockholders and members of the said Corporation shall vote according to the rule hereinafter mentioned, and the Directors, when chosen, shall at their first meeting after their election choose out of their number a President.

6. The Directors for the time being shall have power to appoint such officers, clerks, and servants, as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to them shall appear reasonable and proper ; all which, together with the expense of buildings, house rent, and all other contingencies, shall be defrayed out of the funds of the Corporation ; and the said Directors shall likewise exercise such other powers and authority for the well regulating the affairs of the said Corporation, as shall be prescribed by the bye laws and regulations of the same.

7. Not less than three Directors shall constitute a Board for the transaction of business, of which the President shall

always be one, except in the case of sickness or necessary absence, in which case the Directors present may choose one of their Board as Chairman in his stead; the President shall vote at the Board as a Director, and in case of there being an equal number of votes for and against any question before them, the President shall have a casting vote; provided always, that no note or bill offered for discount at the said Bank shall be refused or excluded by a single vote.

8. No Director shall be entitled to any salary or emolument for his services, but the stockholders and members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper.

9. No person shall be eligible as a Director unless such person is a stockholder, and holding not less than ten shares in the capital stock of the said Corporation; provided always, that the stockholder so otherwise qualified be not a Director in any other Banking Company in this Province.

10. Every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more sureties to be approved of by the Directors, that is to say, every Cashier in a sum not less than forty thousand dollars, with a condition for his good and faithful behaviour; and every Clerk with the like conditions and sureties in such sum as the Directors shall deem adequate to the trusts reposed in them.

11. The number of votes which each stockholder shall be entitled to on every occasion when, in conformity to the provisions of this Act, the votes of the stockholders are to be given, shall be in the following proportion, that is to say, —for one share and not more than four shares, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest number that any stockholder shall be entitled to have.

12. All stockholders resident within this Province, or elsewhere, may vote by proxy, provided that such proxy be a stockholder, and do produce sufficient authority in writing from his constituent or constituents so to act, provided that no stockholder be entitled to hold more than three proxies.

13. No member of the said Corporation, during the first three months to be accounted from and after the passing of this Act, shall be entitled to hold and subscribe for more than forty shares of the said capital stock ; and if the whole of the said capital stock shall not have been subscribed within the said three months so to be accounted as aforesaid, then and in such cases it shall be lawful for any stockholder or stockholders to increase his or their subscriptions to eighty shares ; provided always, that no stockholder shall be permitted to hold more than one hundred shares in the whole, unless the same be acquired by purchase after the said Bank shall have commenced its operations ; and provided always, that no stockholder in the said Bank at any one time shall hold more than twenty per cent. of the capital stock.

14. The Directors are and they are hereby authorized to fill up any vacancy that shall be occasioned in the Board by the death, resignation, or absence from the Province for three months, of any of its members ; but that in the case of the removal of a Director by the stockholders for misconduct or mal-administration, his place shall be filled up by the said stockholders ; and the person so chosen by the Directors or the stockholders shall serve until the next succeeding annual meeting of the stockholders.

15. Before any stockholder shall be required to make payment of any instalment upon the amount of his subscription, thirty days previous notice shall be given by the Directors in two of the newspapers published in this Province, of the time and place of payment, and the Directors shall commence with the business and operations of the Bank of the said Corporation ; provided always, that no Bank bill or Bank note shall be issued or put in circulation, nor any bill or note be discounted at the said Bank, until the said sum of one hundred thousand dollars shall be actually paid in and received on account of the subscriptions to the capital stock of the said Bank.

16. As soon as the sum of one hundred thousand dollars shall have been paid in current gold and silver coins, and shall then be in the vaults of the said Bank, the President shall give notice thereof to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, who

is hereby authorized by and with the advice of Her Majesty's Executive Council, to appoint three Commissioners not being stockholders, whose duty it shall be to examine and count the money actually in the vaults, and to ascertain by the oaths of the majority of the Directors, that half the amount of its capital hath been paid in by the stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended to have it there remain as part of the capital stock of the said Bank, which investigation is hereby declared indispensable, and shall be made at the periods prescribed by the second Section of this Act, when paying in the capital stock of the said Bank.

17. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf; but no assignment or transfer shall be valid or efficient unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, nor until such person or persons so making the same, shall previously discharge all debts actually due and payable to the said Corporation; in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; and whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Bank to any other person or persons whatever, such stockholder shall cease to be a member of the said Corporation.

18. The said Company shall not directly or indirectly deal in any thing excepting bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in the sale of stock pledged for money lent and not so redeemed; which said goods and stock so pledged shall be sold by the said Corporation at public sale at any time not less than thirty days after the period for redemption; and if upon such sale of goods or stock there shall be a surplus, after deducting the money lent, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

19. The holders of the stock of the said Bank shall be chargeable in their private and individual capacity, and shall be holden for the payment and redemption of all bills which may have been issued by the said Corporation, and also for

the payment of all debts at any time due from the said Corporation, in proportion to the stock they respectively hold; provided however, that in no case shall any one stockholder be liable to pay a sum exceeding the amount of stock actually then held by him; provided nevertheless, that nothing herein previously contained shall be construed to exempt the joint stock of the said Corporation from being also liable for and chargeable with the debts and engagements of the same.

20. Every bond, Bank bill, or Bank note, or other instrument, by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe, that payment shall be made out of the joint funds of the said Corporation; provided nevertheless, that nothing herein contained shall be construed to alter, change or diminish the responsibilities and liabilities imposed on stockholders in their individual capacities by the nineteenth Section of this Act.

21. The total amount of the debts (deposits excepted) which the said Corporation shall at any one time owe, whether by bond, bill, or note, or other contract whatsoever, shall not exceed twice the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the Directors under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities; provided always, that the lands, tenements, goods and chattels of the said Corporation shall also be liable for such excess.

22. The Directors shall make half yearly dividends of all profits, rents, premiums and interest of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days notice in two newspapers published in this Province.

23. The books, papers, correspondence and funds of the said Corporation shall, at all times, be subject to the inspection of the Directors; but no stockholder not a Director shall inspect the account of any individual with the said Corporation.

24. All bills or notes issued by the said Corporation shall be signed by the President for the time being, and countersigned and attested by the Cashier, and shall be printed

and made in steel plates; and all bills and notes so signed and countersigned, shall be binding on the said Corporation, and payable in specie at the said Bank; provided no note shall be issued by the said Corporation for a less sum than one dollar.

25. The said Corporation shall be liable to pay to any *bona fide* holder, the original amount of any note of the said Bank which shall have been counterfeited or altered in course of its circulation to a larger amount, notwithstanding such alteration.

26. The said Bank shall be kept and established in the County of Westmorland.

27. The Directors shall, at the general meeting to be held on the first Tuesday in June in every year, lay before the stockholders for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of Bank notes then in circulation, the amount of gold and silver in hand, and the amount of such debts as are in their opinion bad or doubtful; also the surplus or profits (if any) remaining after deduction of losses and provisions for dividends; which statement shall be signed by the Directors and attested by the Cashier; and a duplicate statement so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, and the Legislature; provided always, that the rendering of such statement shall not extend to give any right to the stockholders not being Directors, to inspect the account of any individual or individuals with the said Corporation.

28. No loan shall be made by the said Bank on the pledge of its own stock.

29. Any Joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall, either during the Session or prorogation of the General Assembly, have free access to all the books and vaults of the same.

30. Any number of stockholders not less than twelve, who together shall be proprietors of three hundred shares, shall have power at any time by themselves or their proxies to

call a general meeting of the stockholders, for purposes relating to the business of the said Corporation, giving at least thirty days notice in two newspapers published in the Province, and specifying in such notice the time and place of such meeting, with the object thereof; and the Directors, or any three of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

31. On dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office for closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the stockholders in proportion to their respective interests; and in case any bills issued by the said Corporation shall remain unpaid, the holders of stock in the said Corporation, as well as those who were stockholders at the time of the notice of the said dissolution, (which said notice shall take place by a publication of their intention so to do in the Royal Gazette twelve months previous to the said Corporation being allowed to carry the same into effect,) shall be chargeable in their private and individual capacity for the payment and redemption thereof, in proportion to the stock they respectively held or hold, subject however to the proviso mentioned in the nineteenth Section of this Act; provided however, that this liability shall continue for two years only from and after the notice of such dissolution.

32. The aggregate of all the debts due to the said Bank from the Directors thereof, as principals, endorsers, or sureties, shall not at any one time exceed twenty per centum of the capital stock.

33. The Cashier of the said Bank shall semi-annually, that is to say, on the first Monday in January and the first Monday in July in each and every year, make a return in triplicate of the state of the said Bank as it existed at three of the clock in the afternoon of the said days respectively, and shall forthwith transmit the same to the office of the Secretary of the Province; which return shall specify the amount due from the Bank, designating in distinct columns the several particulars included therein; and shall also specify the resources of the said Bank, designating in distinct columns the several particulars included therein; and the said return shall be made in the following form:—

FORM OF RETURN.

State of Eastern Bank on the _____ *day of*
 18 _____, 3 o'clock, P. M.

DUE FROM BANK.

Bills in circulation,	...	...	...	...	\$
Net profits in hand,	...	...	...	...
Balance due to other Banks,	...	...	...	...
Cash deposited, including all sums whatever due from the Bank not bearing interest, its Bills in circulation, profits, and balances due to other Banks, excepted,	...	...	...	...
Cash deposited bearing interest,	...	...	...	...
Total amount due from the Bank, ...					\$ _____

RESOURCES OF BANK.

Gold, Silver, and other coined metals, in its Banking House,	...	...	...	...	...
Real Estate,	...	...	...	...	...
Bills of other Banks incorporated in this Province,	...	...	...	...	...
Balances due from other Banks,	...	...	...	...	...
Amount of all Debts due, including Notes, Bills of Exchange, and all Stock and Funded Debts of every description, except the Balances due from other Banks,	...	...	...	...	...

Total amount of the resources of the Bank, \$ _____

Date and amount of the last Dividend, and when declared,	...	...	...	...	...
Amount of reserved profits at the time of declaring the last Dividend,	...	...	...	...	...
Amount of Debts due and not paid and considered doubtful,	...	...	...	...	...

Which return shall be signed by the Cashier of the said Bank, who shall make oath or affirmation before some Magistrate qualified to administer oaths, to the truth of the said return, according to the best of his knowledge and belief; and the Cashier of the said Bank shall also make return under oath, whenever required by the Legislature, of the names of the stockholders, and the amount of stock owned by each; and a majority of the Directors of the said Bank shall certify and make oath or affirmation before the same Magistrate as the said Cashier, that the books of the said Bank indicate

the state of facts so returned by their Cashier, and that they have full confidence in the truth of the return so made by him; and it shall be the duty of the Secretary of the Province annually to lay before the Legislature of this Province, as soon after the opening of any Session thereof as practicable, one of such respective returns as he may have received since the then last previous Session.

34. The Cashier or acting Cashier for the time being, shall on each and every discount day furnish a true list to the President or Chairman of the said Bank of all delinquent promisers, endorsers, and sureties, made up to three o'clock on the day preceding the discount day, which list shall be called a delinquent sheet; and it shall be the duty of the President or Chairman on each and every discount day as aforesaid, to read the name or names contained in such delinquent sheet to the Board of Directors; and in case the name of any Director shall appear in such delinquent sheet either as promiser, endorser, or surety, it is hereby declared illegal for such Director to sit at the Board, or take any part in the management of the affairs of the said Bank during the continuance of such delinquency.

35. In the event of any Director or President continuing a delinquent as aforesaid for ninety consecutive days at any one time, such continued delinquency shall disqualify such Director or President from holding his seat; and it shall be the duty of the other Directors who may be qualified, forthwith to proceed in filling up the vacancy in the manner prescribed in the fourteenth Section of this Act as in the case of death or absence from the Province.

36. No action shall be brought or maintained upon any Bank bill or Bank note which shall be issued by the said Corporation, before such bill or note shall have been presented at the Bank for payment, and default in payment shall thereupon take place.

37. All and every the shares in the capital stock of the said Bank, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and transmissible as such accordingly.

38. The shares in the capital stock of the said Bank shall be liable to be seized and taken in execution, and sold in

like manner with other personal property; provided always, that the Sheriff or other officer executing such execution, shall leave a copy of such execution, certified by the Sheriff or his deputy, with the Cashier of the said Bank; and the shares in the capital stock of the said Bank so liable to such execution, shall be deemed to be seized in execution when such copy is so left, and the sale shall be made within thirty days after such seizure; and on production of a bill of sale from the Sheriff, the Cashier of the said Bank shall transfer the number of shares sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual notwithstanding there may be any debt due to the said Bank from the person or persons whose shares may be seized and sold; provided also, that the said Cashier shall, upon the exhibiting to him of such certified copy of the execution, be bound to give to such Sheriff or other officer a certificate of the number of shares in the said capital stock held by the judgment debtor named in such execution; and the shares of such judgment debtor in the said capital stock shall be bound by such execution only from the time when such copy of the execution shall be so left with the Cashier.

39. And in case it shall hereafter be found necessary at any time after the payment in and certificate of such first mentioned capital, and within seven years from the time of passing this Act, to increase the capital stock of the said Bank, the same may be effected by resolution of the Directors, or the major part of them, for the time being, sanctioned and approved of by a majority of the votes of the shareholders present in person or by proxy, at a general meeting convened after special notice of the same and its intended object; such additional capital stock may be raised by the issue of additional shares, severally of the value before mentioned, provided that the whole of such additional stock shall not exceed one hundred thousand dollars, thereby making the utmost amount of capital stock of the said Bank three hundred thousand dollars, and in the whole three thousand shares.

40. The said Directors shall give at least forty days notice of the time of sale of any such increased stock in some newspaper published in this Province, in which notice shall be specified the time when such additional stock, with the

advance premium thereon, will be required to be paid into the said Bank.

41. The whole of such advance or premium, if any, first deducting the charges of sale, shall be divided in equal proportions among the shares in the stock of such Bank, as well the old as the new stock; and such dividend of the said premium shall be declared and paid by the Directors immediately after the payment into the Bank of the purchase money of the said additional shares; and banking operations may take place upon each respective amount of such additional stock sold as aforesaid, when the Directors, or a majority of them, together with the Cashier of the said Bank, shall have signed and verified by oath, and filed in the office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

42. The said additional shares shall be subject to all the rules, regulations and provisions to which the original stock is subject, or may hereafter be subject by any law of this Province.

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

CAP. LXIX.

An Act for the further increase of the Capital Stock of the Saint Stephens Bank in the County of Charlotte.

Section

- 1 Stockholders may increase capital; within what time.
- 2 Sale of additional shares; when banking operations may commence upon new stock.
- 3 Premium on sale of stock.

Section

- 4 Sale of forfeited shares.
- 5 How questions decided.
- 6 New stock subject to same rules, &c. as old stock.
- 7 Acts relating to Bank continued.

Passed 17th June 1867.

WHEREAS from the increase of business and trade in Saint Stephen, it becomes expedient further to increase the capital stock of the said Bank;—

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

1. That the stockholders of the said Bank are hereby authorized and empowered from time to time hereafter, at any general or special meeting or meetings for that purpose

to be called, to increase the capital stock of the said Bank by such amounts, not less at one time than twenty five thousand dollars, nor more in all than two hundred thousand dollars in addition to the present capital, as they by a majority of votes taken at such meeting or meetings may deem expedient, which additional stock shall be divided into shares of one hundred dollars each, and shall be sold in the manner hereinafter provided; and the amount so sold from time to time, in addition to the present capital, shall be the capital stock of the said Bank; provided always, that no sale of such additional stock shall be made after the expiration of five years from the passing of this Act.

2. The additional shares shall be sold and disposed of at public auction to the highest bidder, at such times and places as the stockholders of the said Bank, by a majority of votes at such general or special meeting or meetings aforesaid, shall appoint, thirty days notice of such sales respectively being first given in at least three public newspapers published in this Province; and payment of the said shares, with the advance or premium thereon, if any, shall be made to the said Bank within one month from the sale thereof; and Banking operations may take place upon each respective amount of such additional stock so called in, when the Directors of the said Bank, or a majority of them, together with the Cashier, shall have signed and verified by oath, and filed in the office of the Secretary of the Province, a certificate that such amount of capital stock at any time called in, has actually been paid into the said Bank in current gold and silver coins of the Province, and not before.

3. The advance or premium (if any) arising from the sale or disposal of the additional stock, after deduction of necessary expenses, shall be deemed to be a portion of the profits of the Bank, and belong in equal proportions to all the shares in the stock of said Bank, as well the new as the old stock.

4. Forfeited shares for non-payment thereof and of the premium (if any) shall without delay be sold by the Directors in the same manner as before mentioned, and the premium disposed of as aforesaid.

5. All questions arising under this Act shall be decided in the same manner as questions arising under the original Act of Incorporation.

6. The additional shares created by this Act shall be subject to all the rules, regulations, bye laws and provisions to which the present stock of said Bank is subject or may hereafter be subject by any law of this Province.

7. The original Act incorporating the said Bank, and the several Acts subsequently made relating thereto, except as altered or amended, or as the same may hereafter be altered or amended, and also the provisions of this Act, shall further continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and ninety.

CAP. LXX.

An Act to authorize the City Council of the City of Fredericton to raise Moneys by way of Loan for the erection of a Country Market House and City Hall in the said City.

Section

- 1 City Council authorized to borrow money and issue Debentures.
- 2 Debentures and coupons to be signed and numbered.

Section

- 3 Money to be paid to City Treasurer.
- 4 Assessment to pay off loan and interest.
- 5 When Debentures to be paid off.

Passed 17th June 1867.

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

1. It shall and may be lawful for the City Council of the City of Fredericton, and they are hereby authorized and empowered, to borrow such sum or sums of money in loans of not less than one hundred dollars each, not exceeding in the whole the sum of fifteen thousand dollars, to be applied exclusively to the erection and completion of a Country Market House and City Hall in Phoenix Square, in Saint Ann's Ward, in the said City, according to such plans and specifications as may be adopted and determined upon by the said City Council at any quarterly or special meeting of the said Council, and to issue Debentures with Coupons for interest at a rate of not to exceed six per cent. per annum, payable semi-annually to the holders thereof, in such form as the City Council of the said City may deem expedient, redeemable at such time or times as the said City Council may determine, the said time or times to be specified in each Debenture, which Debenture and Coupons shall be respectively negotiable in the same manner as promissory notes, and made payable to the lender or bearer.

2. The said Debentures shall be sealed with the Common Seal of the said City, and signed by the Mayor and countersigned by the City Clerk, and shall be consecutively numbered according to the times at which the same shall be issued; and the coupons shall also be signed by the Mayor, and countersigned by the City Clerk, and shall each bear the number of the Debenture to which they are attached respectively.

3. All moneys loaned to the Corporation of the City of Fredericton aforesaid, under the provisions of this Act, shall be paid by the lenders to the City Treasurer of the said City, to be by him held and paid for the erection and completion of the said Country Market House and City Hall, and for no other use or purpose whatever, and to be paid by order of the City Council by cheque in the usual manner drawn upon the said City Treasurer.

4. The said City Council are hereby authorized to order, make and levy a rate or assessment upon the inhabitants of the said City of Fredericton liable to be assessed for any rate or assessment, a sum not exceeding two thousand dollars in any one year, for the purpose of the payment of the principal sum borrowed, yearly, and the interest due on the balance, besides the charges for assessing and collecting, until the whole sum borrowed, and the interest thereon, under and by virtue of this Act, shall be paid off; the said several sums to be assessed, levied, collected and paid in such proportions and in like manner as any City rates for public charges, and when collected shall be held and paid by the City Treasurer for the purposes of this Act, and for no other purpose.

5. The moneys so assessed and collected shall from time to time be applied in payment of the said Debentures, and the interest due thereon; and the City Treasurer shall, when and so often as he may be directed by the City Council so to do, give one calendar month's public notice by advertisement in one or more of the City newspapers of the said City, for calling in such and so many of the Debentures as the City Council may at any time propose to pay off, specifying the number of such Debentures in such advertisement, whether the time for the payment of such Debentures may have arrived or not; and the said Debentures, by and under such

order aforesaid, the said City Treasurer shall pay off accordingly, and from and after the expiration of such notice the interest on such Debentures shall cease.

CAP. LXXI.

An Act to incorporate the Western Telegraph Company of New Brunswick.

Section

- 1 Incorporation of Company; Telegraph lines.
- 2 Capital.
- 3 First meeting, how called.
- 4 Power to enter on public roads, &c.
- 5 May enter on private property; compensation to owners.

Section

- 6 Tolls.
- 7 Governor to have preference.
- 8 Joint stock alone liable for debts.
- 9 Injury to property, how punished.
- 10 Liability in case of transfer.

Passed 17th June 1867.

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

1. That Egerton R. Burpee, Honorable Charles Fisher, William B. Robinson, Charles N. Skinner, M. P. P., Frederick H. Burpee, and John Glasier, M. P. P., 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 body politic and corporate by the name of "The Western Telegraph Company of New Brunswick," and by that name shall have all the powers made incident to a Corporation by the Acts of Assembly of this Province, for the purpose of constructing, maintaining and working a single or double line of Electro Telegraphic communication from the City of Saint John in this Province to the eastern boundary of the State of Maine in the United States of America, along or near the line of Railway connecting the City of Saint John with the said eastern boundary of the State of Maine, with power to establish such branch lines and extensions to any other part of the Province, in connection therewith, as the increase of business, the establishment of Railroads, or other circumstances may make advisable; and for the purposes of the main line and the several branches and extensions thereof, to make such erections as may be necessary, and to purchase and acquire such real or moveable property as may be necessary for the making, maintaining and working the said Electro Telegraphic communication.

2. The capital stock of the said Corporation shall be fifty thousand dollars, to be divided into twelve hundred and fifty shares of forty dollars each, with power to the said Company to increase the same to two hundred thousand dollars, by increasing the number of shares.

3. The first meeting of the stockholders, for the purpose of organizing the said Corporation, shall be called by any two of the said Corporation hereinbefore named, by giving fifteen days notice of the time and place of such meeting in the Royal Gazette, or in some other paper published in the Province.

4. The said Company may, by their agents and servants, enter upon the side or sides of any or all of the public roads, streets, bridges or highways in the Province, through, along, across, or by which the said telegraphic line, or any of its branches and extensions, shall pass, or be required to pass, and on the same erect and construct such and so many posts or other works as they may deem necessary for making, maintaining and using the said Electric Telegraph; and from time to time, as often as the said Company, their agents or servants, shall think proper, break up and open any part of the said roads, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, waggons, or horses, and keep the same open during the time necessary for setting up, erecting and constructing such posts or other works; provided always, that the said Company shall not in any case obstruct any of the said public roads, streets, bridges, or highways, and that the said Company shall and do at their own costs and charges, and without 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 conditions in which they were before breaking up the same.

5. If it shall at any time be deemed necessary by the said Company, their agents or servants, to carry any part of the said main line of Electrical Telegraph communication, or any of the branches or extensions thereof, 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, bodies politic or corporate, as they shall think necessary for making, com-

pleting, maintaining or repairing the said line of Electric Telegraph, or any of its branches or extensions, 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 or extensions thereof, and do all other matters and things which they, the said Company, shall think convenient and necessary for the making, extending, improving, completing and easy using of the said Electric Telegraph, or any of its branches or extensions, or any of the works therewith connected, 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 of such damages or compensation shall be ascertained and determined by three arbitrators, one to be chosen by the said Corporation, their agents or servants, and one by the owner or owners, occupier 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, to appoint the third arbitrator; and the award of the said arbitrators, or any two of them, shall be final and conclusive in the matters referred to them; and in case any of the said owners or occupiers of such corporate or private property shall decline making any such agreement, or appointing such arbitrators, 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 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 of the said Coroner being both interested, then to some 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 five 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 that may and shall be sustained by such owner or owners, occupier or occupiers of such corporate or private property as aforesaid; and the inquisition, award or verdict of such jury shall be returned and filed in the office of the Clerk of the Pleas 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; which amount of such damages and costs shall be paid or tendered by the said Corporation to the person or persons, or body politic or corporate, entitled to the same, before the said Corporation shall be entitled to take possession of such property for the purposes aforesaid.

6. So soon as the main line of communication by the said Electric Telegraph, or any part thereof, or any of its branches or extensions, 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 transmitted and conveyed at the cost and charges of the said Company, by or upon the said Electric Telegraph, as the said Company may think just and reasonable.

7. The Governor shall 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, branches and extensions, 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 or extensions shall connect; and the rates of charges therefor shall not in any case exceed the rates of charges made to private individuals and others for the transmission of like messages.

8. The joint stock and property of the said Corporation shall alone be responsible for the debts and engagements of the said Company.

9. Whoever 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, or any branch or extension 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 three years, which punishment shall be in addition to any civil or other remedy for such offence.

10. In case the said Western Telegraph Company shall lease, underlet, transfer or set over to any person or persons, body corporate, or joint stock company, any line or lines of Telegraph owned by the said Telegraph Company, the said Western Company shall still remain liable under the terms of this Act for any fault, neglect, or miscarriage of the person or persons, or body corporate, or joint stock company, to whom such sale, lease, transfer or setting over shall be made; and the service of any writ, summons, process or paper in law or in equity, upon the President or other officer or Secretary of the said Western Telegraph Company, shall be sufficient in all respects, in all suits or actions either at law or in equity, to enable the plaintiff in any such suit or action for such fault, neglect, or miscarriage, to issue and have issued any execution or executions against the property or effects of the said person or persons, or body corporate, or joint stock company, or their assigns, or of the said Western Telegraph Company, on judgment duly obtained.

CAP. LXXII.

An Act to amend an Act intituled *An Act to provide for the erection of a City Hall in the City of Saint John.*

Section

1 Sale of fishing lots may be postponed; upset price.

Section

2 Sale may be for five years.

3 Assessment for interest on debentures

Passed 17th June 1867.

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

1. That notwithstanding any thing contained in an Act passed in the twenty fifth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of a City Hall in the City of Saint John*, it shall and may be lawful for the Committee of Common Council for the time being appointed under the seventh Section of the said recited Act, from time to time to postpone the sale of the fishing lots under the sixth Section of said recited Act, from the first Tuesday in January in any year to such other day or days in the month of January in any year as to the said Committee may seem best, and to fix an upset price upon any or all of the said fishing lots at the time of any sale or sales.

2. The Common Council of the City of Saint John may order and direct that the sale of any of the fishing lot or lots under said recited Act, may be for an extended time of not more than five years, and any lot or lots may be set up and sold for such term accordingly, at an annual sum or rate to be fixed at any such sale; and the purchaser and purchasers for any extended term shall pay such annual sum or sums for the first year at the time of sale, and in each subsequent year during the term, previous to the first Tuesday in January in each year in advance, otherwise such lot shall be set up again and sold with the general fishing lots as though such extended term had not been given.

3. In the event of a deficiency in any year in the amount required to pay the interest on the Debentures issued under said recited Act, the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council, shall order an assessment upon the City of Saint John on the Eastern side of the Harbour, and the inhabitants thereof, for a sum sufficient to meet such deficiency, which shall be assessed, levied and collected as provided by the Saint John City Assessment Act of 1859, and the several Acts in amendment thereof.

CAP. LXXIII.

An Act to enable the Corporation of the City of Saint John to make certain improvements on the Streets at Carleton in that part of the City of Saint John on the Western side of the Harbour.

Section

- 1 Corporation to borrow \$12,000.
- 2 Debentures to be issued; how signed and sealed.
- 3 To be negotiable; rate of interest.
- 4 Moneys to be received and paid by Chamberlain.

Section

- 5 How interest provided, and sinking fund formed.
- 6 Sinking fund to be invested.
- 7 Deficiency in sinking fund to be supplied by assessment upon inhabitants on western side.

Passed 17th June 1867.

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, and they are hereby authorized and empowered to borrow the sum of twelve thousand dollars, to be applied toward the cutting down, raising, levelling, and improving, as they may deem advisable, of the Streets, roadways and thoroughfares of Carleton in that part of the City of Saint John on the Western side of the Harbour.

2. The said sum of twelve thousand dollars shall be borrowed in loans of not less than four hundred dollars each, and Debentures payable in twenty years from the first day of June next, shall be issued to the person or persons from whom any such loan may be obtained, and in such form as the said Mayor, Aldermen and Commonalty may deem expedient, with Coupons for interest payable half-yearly; which Debentures shall be sealed with the common seal of the said Corporation and signed by the Mayor and Common Clerk, and shall be numbered consecutively, according to the order in which the same shall be issued; and the Coupons for interest shall be signed by the Mayor and Common Clerk, and a record of such Debentures shall be kept by the Common Clerk.

3. The said Debentures so to be issued under the provisions of this Act, shall be negotiable in the same manner as promissory notes, payable to bearer; and the holders thereof shall be entitled to receive interest on the same semi-annually at the rate of six per centum per annum, to be paid by the Chamberlain of said City out of the funds hereinafter provided, on presenting the Coupons for the same.

4. All moneys loaned to the said Corporation under this Act shall be paid by the lender thereof to the Chamberlain, and shall be by him paid out upon the orders of the Common Council to the contractors or workmen who shall be employed, agreeably to the provisions of this Act; no greater sum than four thousand dollars shall be expended, for the purposes of this Act, in any one year.

5. The moneys borrowed under the provisions of this Act shall be a charge on the ordinary yearly assessment for

Streets in that part of the City of Saint John on the Western side of the Harbour, and upon the fund arising from the rents, issues and profits of the lands on the said Western side of the Harbour, known as the West side Common Land Fund, in the proportions and amounts following, that is to say, the interest on the said Debentures shall be a charge on the said yearly assessment for Streets, and shall be paid out of the moneys received by the Chamberlain from such assessment; and the said Mayor, Aldermen and Commonalty of the City of Saint John shall set apart and apply the sum of one hundred dollars from the moneys arising from the said Street assessment in each year, and the sum of one hundred dollars from the said West side Common Land Fund in each year to form a Sinking Fund, which is to accumulate from year to year during the said term of twenty years, for the payment of said Debentures, and shall immediately after the expiration of said term of twenty years be appropriated to the payment of said Debentures, and shall not be used or applied to any other purpose whatsoever.

6. The moneys forming the said Sinking Fund shall from time to time, as the Common Council may direct, be invested by the Chamberlain, in the name of the Chamberlain of the City of Saint John, in good public or landed securities, as the Common Council may from time to time approve; and the sums so invested, and the securities therefor, and the interest thereon, shall be held by the Chamberlain in trust for the purposes of this Act.

7. Any deficiency of the said Sinking Fund to provide for the full payment and satisfaction of the said Debentures shall, in the last year of the said twenty years herein mentioned, be raised, levied and assessed in addition to the ordinary Street assessment for such year, upon that part of said City of Saint John on the Western side of the Harbour, and the inhabitants thereof.

CAP. LXXIV.

An Act relating to Paved Sidewalks in the City of Saint John.

Section

- 1 Corporation authorized to pave sidewalks on eastern side of Harbour.
- 2 How to be paid for.

Section

- 3 Holder of renewable lease to be assessed.
- 4 Mode of recovery.
5. When sidewalk to be laid down.

Passed 17th June 1867.

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

1. It shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, from time to time, as they may deem it expedient, to provide, lay and place stone flag pavements, with stone curbings, or planking, or such other material as the Common Council of said City may from time to time determine, on the sidewalks and footpaths in such streets or parts of streets within the City of Saint John on the Eastern side of the Harbour, as the Common Council may from time to time direct.

2. One moiety or half part of the costs and expenses of providing and laying the said stone flag pavements and curb stones, or sidewalks of plank, or of such other material as the Common Council may from time to time determine, in front of each and every lot wherever the said Common Council may direct as above mentioned, shall be borne and paid by the owners in fee of the several lots or parts of lots in front of or along which the said pavement or other material shall be laid; and one moiety or half part, by order of said Common Council, out of the fund arising from the general yearly assessment for Streets on said Eastern side of the Harbour.

3. When any lot or part of lot is held under lease for a term of years, with a covenant for renewal of such term, the rate or assessment shall be made upon the person or persons having the legal estate and interest in the said term, and not upon the owner in fee.

4. The Common Council of the City of Saint John shall, by resolution, order and direct what the amount or sum of money is which shall be paid by the owner in fee or leaseholder for renewable term as aforesaid in each case; and upon such order and direction being made, the Receiver of Taxes for that part of the City of Saint John on the Eastern side of the Harbour shall give ten days notice thereof in the same manner as for any assessment for City rates; and if such sum be not paid according to such notice, the said Receiver of Taxes shall issue executions to recover the same, in like manner and as nearly as may be in similar form as is provided for the recovery of the assessments for City rates

and taxes under the Saint John City Assessment Act of 1859, and the several Acts in force in amendment thereof and in addition thereto; and under such execution, the Marshal who shall execute the same may levy upon any goods and chattels found upon the land and premises in front of which such pavement or material for sidewalks shall be laid; and all goods and chattels on said land and premises shall be chargeable with said sum, and may be sold under levy to satisfy such execution and costs; provided that in case the goods of any person who may not be personally liable to pay such amount shall be taken or sold under execution as aforesaid, such person shall be entitled to recover the amount he may pay and damages he may sustain from and against the person or persons who may have been legally liable to pay the same, or may deduct such amount from any rent due or that may accrue in case of tenancy.

5. That no sidewalk shall be laid down in any street under this Act, until resolution of the Common Council authorizing such work be published in a public newspaper issued in the City of Saint John, for the space of four weeks previous to any such work being commenced.

CAP. LXXV.

An Act relating to the Saint John Bridge Bonds.

The Governor in Council authorized to settle.

Passed 17th June 1867.

WHEREAS by an Act passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to incorporate sundry persons by the name of the Saint John Bridge Company*, the said Company were authorized to erect a Bridge across the River Saint John, near the Falls of the said River at its mouth: And whereas to assist the said Corporation to erect the said Bridge, a loan of six thousand pounds out of Her Majesty's Casual and Territorial Revenue of the said Province, was made to the said Company: And whereas by bond bearing date the thirteenth day of July in the year of our Lord one thousand eight hundred and thirty six, and made by John Robertson, John Walker, William H. Street, Hugh Mackay, and Edward L. Jarvis, to His said late Majesty, in the penal sum of six thousand pounds, conditioned that if the said Saint John Bridge Company or

their successors should well and truly pay to such person or persons, officer or officers, as should be directed to receive the same by order of the Lieutenant Governor or person administering the Government of the Province of New Brunswick, the sum of three thousand pounds, together with the interest thereon, at the rate of six per cent. per annum, on the first day of January after the date of the said bond, then the said obligation should be void, otherwise to remain in full force: And whereas by a certain other bond, bearing date the first day of November in the year aforesaid, and made by Ralph M. Jarvis, George D. Robinson, Thomas L. Nicholson, Charles Hazen, William Hammond, and Peter Besnard, to His said late Majesty, in the penal sum of six thousand pounds, conditioned that if the said Bridge Company or their successors should well and truly pay to such person or persons, officer or officers, as should be directed to receive the same by order of the Lieutenant Governor or person administering the Government of the said Province, the sum of three thousand pounds, together with the interest thereon, at the rate of six per cent. per annum, on the first day of January one thousand eight hundred and thirty eight, then the said obligation to be void, otherwise to remain in full force: And whereas after the said Company had expended a large sum of money towards the erection of the said Bridge, the same fell and was totally destroyed, and the money so expended was lost to the stockholders, and the said Company has also failed to pay the amount so borrowed: And whereas the said several bonds have become forfeited, and the amounts due thereon still remain unpaid, and the enforcement of the payment of the whole sum due thereon would be attended with great inconvenience and injury, and it is expedient that the Governor in Council should have power to settle, compromise, cancel or release the debts due on the said bonds, and on such terms as they may deem equitable and just;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the Governor in Council may settle, compromise or release the said debts, or either of them, in such way as they may deem just and equitable; or may settle, compromise or release any one of the said obligors without affecting the rights of the Crown as against any co-obligors to the said bonds.

CAP. LXXVI.

An Act to incorporate certain Societies of persons called and known by the name of Disciples of Christ, or Christians, in the City of Saint John, and elsewhere.

Section	Section
1 Trustees of Church in Saint John incorporated.	3 How vacancies filled up.
2 Property held by Trustees to be conveyed to Corporation.	4 Quorum for business.
	5 Trustees of other Societies may be incorporated.

Passed 17th June 1867.

WHEREAS certain persons associated together in the City of Saint John as a Church or Religious Society, called and known as Disciples of Christ, or Christians, are desirous of being incorporated ;—

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

1. That William Hewitt, James Wilson, Milton Barnes, Henry Robertson, Jacob T. Barnes, James E. Barnes, and George T. Purvis, of the said City of Saint John, the present Trustees of the said Church, and their successors, (to be chosen and appointed as hereinafter enacted,) shall be and they are hereby created and declared to be a body corporate in deed and in name, and shall have succession for ever by the name of “The Trustees of the Church called Disciples of Christ, or Christians, in the City of Saint John,” and by that name are empowered to have and use a common seal, to sue and be sued, to receive, purchase and hold grants or conveyances of both real and personal estate for the use and benefit of the said Church, and to enjoy, improve, lease, sell, assign, or exchange the same, or any part thereof, for the purposes of the said Church, and to make such bye laws and regulations as may be deemed necessary and right from time to time for the management of the property and affairs of the said Church, with all other rights and powers incident to a Corporation ; provided only, that the whole amount of property to be held at any one time by the said Corporation shall not exceed forty thousand dollars.

2. All the property and estate, real and personal, of what nature or kind soever, and wheresoever, now vested in and held by the present Trustees of the said Church or Society, may by them be conveyed to the said Corporation hereby created, for the use of the said Church or Society, in fee simple, to them and their successors, for ever, upon the same

trusts and conditions, and with as good right and title as now held by or vested in such present Trustees.

3. In case of the death, resignation or disability of any of the said Trustees hereby incorporated, or of their successors, the vacancy or vacancies thereby made shall be filled up as follows, that is to say, it shall be lawful for the members of the said Church or Society ordinarily attending their present place of worship, or any other in lieu thereof, or the majority present at any meeting of the said members duly called on fourteen days notice thereof being given on any Lord's Day by the Pastor, or one of the Elders or Overseers of the said Church, during the time of worship, from time to time to nominate and appoint a Trustee to serve in the room of each and any Trustee whose place may be vacant as aforesaid.

4. Whenever the said Trustees hereby incorporated shall be duly notified to meet for the purposes of the said Church, a majority of those present, provided there be not less than four, shall be competent to do or sanction any act or deed which the whole might do or sanction if present.

5. It shall be lawful for any other Society or Association of persons in this Province, belonging to the same community of christians, to elect any number of Trustees, not exceeding seven in the whole, in such manner as each Society or Association may from time to time decide upon, for the purpose of holding, receiving, maintaining or enjoying any real or personal estate for the uses and benefit of any such Church or Society, and of managing its affairs; and such Trustees, when so elected, and their successors respectively, shall form and be a body corporate by the name of "The Trustees of the Church called Disciples of Christ, or Christians, in" [*name of locality in which Church exists,*] and shall have and enjoy perpetual succession, and all other the rights and privileges hereby granted to the said Trustees of the Church called Christians, or Disciples of Christ, in City of Saint John.

CAP. LXXVII.

An Act to incorporate the International Telegraph Company.

Section

- 1 Company incorporated.
- 2 Power to construct Telegraph lines, acquire property, &c.
- 3 Capital.
- 4 Power to enter on public roads, &c.
- 5 May enter on private property; compensation to owners.
- 6 Tolls.

Section

- 7 May connect with other lines; Government to have preference.
- 8 Liability for debts, &c.
- 9 First meeting.
- 10 Election of President & Directors.
- 11 & 12 On what terms lines may be erected along Railway lines.
- 13 Liability in case of transfer.

Passed 17th June 1867.

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

1. That William Thomson, Isaac Burpee, Robert J. Leonard, Charles N. Skinner, M. P. P., Howard D. Troop, Stephen S. Hall, Honorable Samuel L. Tilley, John Glasier, M. P. P., Simeon Jones, A. D. Brown, and Woodbury Davis, their associates, successors, and assigns, shall be and are hereby created a body corporate by the name of "The International Telegraph Company," with all the rights and privileges, and subject to all the duties provided by the general laws of the Province of New Brunswick relating to Corporations, for the purpose of constructing, maintaining and working lines of communications by the means of the Electric Telegraph, within said Province, with power by that name to sue and be sued, and to have and to use a common seal, and the same to change at pleasure, to establish any and all bye laws and regulations for the management of their affairs, not repugnant to the laws of this Province, and to do and perform any and all other lawful acts incidental to similar Corporations.

2. The said Company shall have the right to locate and construct its Electric Telegraph lines upon and along any public highway or bridge, or along or upon the lines of any Railroad, but in such a manner as not to incommode or endanger the customary public use thereof, and for the purpose 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 lines of Electric Telegraph communication, and may use, hold and possess the land over which the said Electric Telegraph lines are to pass, in the manner and under the provisions hereinafter set forth.

3. The capital stock of the said Corporation shall be one hundred thousand dollars, with power to the said Company to increase the same to two hundred thousand dollars, if the same shall become desirable in carrying out the purposes of the Company, the whole amount of the said capital stock to be divided into shares of fifty dollars each, which shares shall be vested in the several persons hereinbefore mentioned

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 said 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 as aforesaid is hereby directed and required to be laid out for and towards the making, completing and maintaining the said Electric Telegraph lines, and other purposes therewith connected, and to no other use or purpose whatsoever.

4. It shall and may be lawful for the said Company and their servants as aforesaid, 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 Electric Telegraph lines 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 lines; and from time to time, as often as the said Company, or their servants, shall think proper, to break up and open any part whatsoever of the said road, streets, or highways, not interfering with that part of the same appropriated for the use of carriages, waggons, or horses, and to keep the same open during the time necessary for the setting up, erecting and constructing of any posts or other works; provided always, that nothing herein shall be construed to extend to 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.

5. The Company may cut down any trees standing within the limits of any highways, except ornamental or shade trees, when necessary for the erection, use or safety of its lines; and said Company shall have the right to enter upon private property by consent of the owners thereof, and if such consent cannot be obtained, then said Corporation may

enter upon the same for the purpose of erecting, using and maintaining their lines, said Corporation paying all damages; and in case the above parties cannot agree upon the amount of damages, then the same shall be settled by arbitrators, one arbitrator to be chosen by the said Company, and the other by the party claiming damages; and if the two arbitrators so chosen cannot agree, then a third arbitrator shall be chosen by the two arbitrators first named, and their decision or the decision of any two of them shall be final; which amount of such damages and costs shall be paid or tendered by the said Corporation to the person or persons, or body politic or corporate, entitled to the same, before the said Corporation shall be entitled to take possession of such property for the purposes aforesaid, within three months after the amount of such damages shall be ascertained.

6. So soon as any of the said lines of communication by the said Electric Telegraph, or any part thereof, shall be completed and opened, it shall be lawful for the said Corporation at all times thereafter 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 said Company, by or upon the said Electric Telegraph lines, and such sum or sums of money as the said Company may think just and reasonable.

7. This Company shall have power by agreement with other persons or bodies corporate, to connect their lines with other lines of Telegraph within and without this Province; but the Government shall have and enjoy at all reasonable and proper times, and in preference to all persons whomsoever, the right and privilege of using the same line of the Electric Telegraph, its branches and extensions, for the transportation of messages relating to the public service only, whether Imperial or Colonial, from or to any Stations with which the said line, or any of its branches or extensions, shall connect; and the rate of charges therefor shall not in any case exceed the rate of charges made to private individuals and others for the transmission of messages.

8. The property of the said Company shall alone be responsible for the debts, liabilities and engagements of the same.

9. Any two of the persons named in this Act of Incorporation may call the first meeting of the said Corporation, by giving notice in one or more newspapers published in the City of Saint John of the time, place and purpose of such meeting, at least fourteen days before the time mentioned in such notice.

10. The immediate government and direction of the affairs of the said Corporation shall be vested in five Directors, who shall be chosen by the members of the said Corporation by ballot, who shall hold their offices until others are chosen in their stead, 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 the said Directors shall have authority to choose a Secretary, 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 for the faithful discharge of his trust.

11. The said International Telegraph Company shall have full power to erect, establish and put up one or more lines of Telegraph along any line of Railway that may be located, established or built between the City of Saint John and the eastern boundary of the State of Maine, on payment of all damages to any person or Company injured thereby.

12. The said International Telegraph Company shall have full power to erect, establish and put up one or more lines of Telegraph along the line of the European and North American Railway, leading from the City of Saint John to Shediac, and along any line of Railway that may be located or built from the line of the said European and North American Railway to the boundary line between the Provinces of New Brunswick and Nova Scotia, on payment of all damages to any person or Company injured thereby.

13. In case the said International Telegraph Company shall lease, underlet, transfer or set over to any person or persons, body corporate, or joint stock company, any line or lines of Telegraph owned by the said Telegraph Company, the said International Telegraph Company shall still remain liable under the terms of this Act for any fault, neglect, or miscarriage of the person or persons, or body corporate, or

joint stock company, to whom such sale, lease, transfer or setting over shall be made; and the service of any writ, summons, process or paper in law or in equity, upon the President or other officer or Secretary of the said International Telegraph Company, shall be sufficient in all respects, in all suits or actions either at law or in equity, to enable the plaintiff in any such suit or action, for such fault, neglect, or miscarriage, to issue and have issued any execution or executions against the property or effects of the said person or persons, or body corporate, or joint stock company, or their assigns, or of the said International Telegraph Company, on judgment duly obtained.

CAP. LXXVIII.

An Act to amend an Act intituled *An Act to revive and perpetuate the Act to provide for reporting and publishing the Decisions of the Supreme Court, and the Act in amendment thereof.*

Reporter to receive \$700 per annum.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That the Reporter of the Decisions of the Supreme Court shall receive annually from the Provincial Treasury the sum of seven hundred dollars; and that so much of the Acts of sixth William the Fourth, Chapter 14, twenty seventh Victoria, Chapter 11, and thirtieth Victoria, Chapter 15, as may be inconsistent with this Act, shall be and the same is hereby repealed.

CAP. LXXIX.

An Act to provide for the erecting of a Town Hall in the Parish of Saint David, in the County of Charlotte.

Section

1 Justices authorized to contract for erection of Town Hall.

Section

2 Assessment for cost of erection.

Passed 17th June 1867.

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

1. It shall and may be lawful for the Justices of the Peace in and for the County of Charlotte, at any General or Special Sessions called for that purpose, to contract and agree with able and competent workmen for the erecting, in the Parish of Saint David, in the County of Charlotte, near the head of

Oak Bay, a suitable Building for a Town Hall, for such sum not exceeding three hundred dollars, as may be necessary for that purpose.

2. The Justices aforesaid are authorized to order an assessment on the inhabitants of the said Parish for the amount aforesaid, together with the expense of assessing and collecting the same, to be assessed, levied and collected as other Parish rates.

CAP. LXXX.

An Act relating to the Firemen of Milltown, in the Parish of Saint Stephen, in the County of Charlotte.

Section

1 Firemen to be paid.

Section

2 Chap. 59, Title viii, of Rev. Statutes, partly repealed.

Passed 17th June 1867.

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

1. That the Firewards of the said Town are authorized to pay each fireman composing the Milltown Fire Company, in the Parish of Saint Stephen, in the County of Charlotte, the sum of six dollars per year for their services in attending to the duties to be performed by such firemen respectively, such sum to form a part of the expenses of the Firewards of the said Parish, and to be assessed, levied and collected in like manner as other rates and taxes, and when collected to be paid to the Firewards of Milltown, and by them applied for the purposes aforesaid.

2. That so much of Chapter 59, Title viii, of the Revised Statutes, 'Of preventing Fires,' so far as the same relates to the exemption of firemen in Milltown, in the Parish and County aforesaid, is hereby repealed.

CAP. LXXXI.

An Act to amend an Act to incorporate the Albert Railway Company.

Company authorized to increase capital and extend Railway.

Passed 17th June 1867.

WHEREAS by an Act made and passed in the twenty seventh year of Her present Majesty's Reign, Chapter 58, intituled *An Act to incorporate the Albert Railway Company*, the said Company are empowered, in accordance with the provisions of said Act, to locate and construct, and finally

complete, alter, and keep in repair, a Railroad from the present line of the European and North American Railway to the Parish of Hillsborough, in the County of Albert, to a point or place therein as may be deemed most desirable and advantageous to the general interests of the said Company: And whereas the interests of the said Company, as well as the said County of Albert and the Province at large, require that the said Railway be extended to the Bay of Fundy, or to navigable waters communicating therewith; and it is desirable and expedient to facilitate such extension, and enlarge the powers of the said Company accordingly;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the said Albert Railway Company be and they are hereby empowered to extend their capital to such amount as they may deem necessary or expedient, not exceeding in the aggregate one million dollars; and that so soon as the said Company shall have completed and put in operation the Railway contemplated by their Act of Incorporation, they shall be and are hereby authorized and empowered to extend the said Railway by such route, as by survey or otherwise may hereafter be found most expedient, to such point or points on Shepody Bay or River, or the adjacent navigable waters, or to such other point or points in said County of Albert, as may be deemed most desirable and advantageous to the general interests of the said Company, and to make such branches thereof as they shall deem proper; and the said Company, as regards the said extension and branches, shall be and are hereby invested with all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act, and all the powers, privileges, rights or conditions conferred or intended to be conferred on or extended to the said Company by their said Act of Incorporation, and subject to all the provisions thereof.

CAP. LXXXII.

An Act to amend the Act to incorporate the Albert Bank.

Time for payment of capital stock extended.

Passed 17th June 1867.

WHEREAS it is found desirable to amend the Act made and passed in the thirtieth year of Her present Majesty's Reign, intituled *An Act to incorporate the Albert Bank*;—

Be it therefore enacted by the Governor, Legislative Council, and Assembly,—That the time fixed in and by the second Section of the said recited Act for the payment of the first instalment of the capital stock of the said Corporation, be extended for a further period of two years from the time of the passing of this Act; and that the time fixed for the payment of the remainder of the capital stock be also extended for a like period of two years.

CAP. LXXXIII.

An Act to incorporate the Maduxnikik River Driving Company.

Section	Section
1 Incorporation of Company.	7 Votes.
2 Power to enter upon lands bordering on River.	8 Shares assignable.
3 May demand tolls, and detain lumber until paid; penalty.	9 Assessments, how collected.
4 Capital.	10 Not to interfere with Maduxnikik Boom Company.
5 First meeting.	11 May enter upon private lands; compensation to owners.
6 Annual meeting; choice of officers.	

Passed 17th June 1867.

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

1. That Emerson A. Eaton, John Leary, Jonathan Kennedy, and Clarence E. Grosvenor, their associates and successors, shall be and are hereby constituted a body corporate by the name of “The Maduxnikik River Driving Company,” and shall have all the power and privileges incident to a Corporation by Act of Assembly of this Province, for the purpose of clearing and improving the Maduxnikik River, and the several branches thereof, from the boundary line dividing this Province from the United States to the mouth of the said Maduxnikik River, where it empties into the River Saint John, to facilitate the driving of timber, logs and other lumber therein.

2. The said Company are authorized by themselves or their agents and workmen, to enter in and upon, and occupy for that purpose, any lands bordering on said Maduxnikik River, or any of the branches thereof, as shall be necessary for erecting dams and sluices, and making such other improvements, and constructing such other works as may be required to facilitate the driving of logs, timber and other lumber thereon, doing no unnecessary damage thereto; and may also remove any obstruction or obstructions in the

said Maduxnikik River, or any of the branches thereof, which may interfere with driving logs, timber or other lumber.

3. The said Company, or such person or persons as they shall appoint as Collectors, are authorized to demand and receive toll of and from the persons driving, claiming, or having charge of any timber, logs or lumber of any kind passing along the said Maduxnikik River, or the branches thereof, so improved by the said Company, a toll of six cents per thousand superficial feet for logs of all kinds, three cents per ton for timber of every description, and a reasonable charge for all other kinds of lumber; and the Collectors shall be and they are hereby authorized to detain any logs, timber or other lumber until the said tolls are paid; and provided that if any logs, timber or other lumber should pass along the said Maduxnikik River, or any of the branches thereof so improved, and the owner or owners thereof, or the person or persons claiming or being in charge thereof, shall neglect or refuse to pay the tolls fixed by the provisions of this Act, then in such case the said owner or owners shall be liable to double the amount of such toll, to be recovered by an action in any of the Courts of Record of this Province, in which it will only be necessary to declare that the defendant is indebted to the Company in the sum of money claimed for tolls.

4. The capital stock of the Company shall be five thousand dollars, and shall be divided into one hundred shares of fifty dollars each, to be paid at such times and at such place and in such instalments as the said Company shall direct; provided that ten per centum of the capital stock of the said Company shall be paid in and employed in the business of said Company within one year after the passing of this Act.

5. The first meeting of the said Corporation shall be held at the Town of Woodstock, in the County of Carleton, and may be called by any one of the persons named in the first Section of this Act, by notice published in any newspaper printed in the County of Carleton, or in the Royal Gazette, at least fourteen days previous to such meeting, for the purpose of making bye laws, choosing five Directors and such other officers as the Company may then think necessary for the conduct of the business of the said Company; which

said Directors and officers so chosen shall continue in office until the first annual meeting, or until others are chosen in their stead, and shall have full power to manage the affairs of said Company.

6. Annual meetings of the said Company shall be held on the first Monday in January, or at such time as any bye law may appoint, and the Directors and officers then chosen shall remain in office for one year, or until others are chosen in their stead; the Directors, immediately after their election, shall choose one of their number President; and in case of his absence from any meeting of the Board of Directors, the latter, if consisting of four persons, may choose a Chairman; the qualification for a Director shall be the ownership, in his own right, of ten shares of stock, and that he be twenty one years of age.

7. The number of votes to which each stockholder shall be entitled, when the votes of stockholders are to be given, shall be in proportion of one vote for each share of stock, and absent stockholders may vote by proxy, provided such proxy be a stockholder, and be authorized in writing.

8. Shares in the said Company may be assigned according to such rule as may be established by the bye laws, but no assignment shall be valid unless entered on a book to be kept for that purpose.

9. The mode of levying and collecting assessments upon the shares from time to time by the said Company shall be provided for by the bye laws thereof; and whenever any assessment shall be made in such prescribed manner, it shall be the duty of the Secretary or agent thereof to give notice of such assessment in some newspaper published in the County of Carleton, of such assessment; and if any stockholder shall neglect to pay the said assessment, an action may be maintained therefor in any Court of Record in this Province, in which the Company may declare that the defendant is indebted to them in the sum of \$— for one call, or as many calls as may be due, and shall recover the same with interest and costs of suit.

10. This Act shall not interfere with the privileges of the Maduxnikik Boom Company.

11. The said Company shall have full power and authority to enter upon, occupy, possess and enjoy, for the purposes of

this Act, any private lands situate upon the Maduxnikik River and its tributaries, absolutely necessary for any of the purposes aforesaid; and shall for such use, occupation and possession, make to the owner or owners of such lands, such compensation as may be agreed upon by and between the said Company and the said owner or owners as aforesaid; and in case they should not agree, the amount of such compensation shall be left to the determination of any three persons agreed to by the said Company and the said owner or owners; and in case the said Company and the said owner or owners should not agree as to the persons so to be chosen to determine such compensation as aforesaid, then and in such case the said compensation shall be determined by a jury of five disinterested freeholders of the County of Carleton, to be summoned by the Sheriff of said County in the same manner as jurors are summoned for assessing damages for roads passing over private property; provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to authorize the said Company in any way whatever to interfere with or obstruct the erection of any mills, mill dams, or other works connected therewith, upon the said River or its tributaries.

CAP. LXXXIV.

An Act to incorporate the Oromocto River Driving Company.

Section	Section
1 Company incorporated.	8 Collection of assessments.
2 May enter on contiguous lands; proviso.	9 Act void unless 25 per cent. paid in within three years.
3 Capital.	10 Assessment on owners of lumber.
4 First meeting; increase of capital.	11 Annual amount.
5 Annual meeting; choice of officers.	12 Company's lien.
6 Votes.	13 What lumber liable to assessment.
7 How Directors elected, if not at annual meeting; vacancies how filled.	14 Liability of stockholders.

Passed 17th June 1867.

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

1. That George Morrow, David Morrow, Jeremiah Tracey, George Tracey, Alfred Robinson, Thomas Robinson, Charles F. Todd, their associates, successors, and assigns, be and they are hereby constituted a body corporate by the name of "The Oromocto River Driving Company," and by that name shall have all the powers and privileges made incident to a Corporation by Act of Assembly of this Province, for

the purpose of clearing out the North West Branch of the Oromocto River, so called, with its tributaries, from the sources thereof to Hartt's Mills (so called) on the said North West Branch of Oromocto River, to facilitate the driving of logs and timber thereon, and for the purpose of driving logs on the same, as the Corporation may deem necessary.

2. The said Company shall have power and authority by themselves or their superintendents and workmen, to enter in and upon and occupy for that purpose any lands bordering on said North West Branch, with its tributaries, within the limits before defined, as shall be necessary for constructing sluices, building dams, and making other improvements on said North West Branch and tributaries, which may be required to facilitate the driving of logs and timber thereon, doing no unnecessary damage thereto; and shall have full power to make and construct dams, sluices, piers and booms, and other improvements, on the said North West Branch, with its tributaries and contiguous lakes, and also to employ a superintendent or driving master with the necessary number of men, and to drive all logs and lumber lying in or on the banks of the said North West Branch and its tributaries and contiguous lakes; provided that nothing herein contained shall be construed to enable the said Company to raise the water of any of the said lakes or rivers in such a manner as to injure any land, trees, lumber, or other thing belonging to individuals, or in any way to interfere with the rights of the owners of such land or other property on or near any of the said lakes or rivers, or to affect any right of action of any such owner for any damage occasioned by the overflowing of his property.

3. The capital stock of the said Company shall be six thousand dollars of the current money of the Province of New Brunswick, and shall be divided into one hundred and fifty shares of forty dollars each, to be paid at such times and in such instalments as the business of the said Company shall require, provided that twenty five per centum of the capital stock of said Company, amounting to one thousand five hundred dollars, shall be actually paid in and invested in the business of the said Corporation within three years after the passing of this Act.

4. The first meeting of said Corporation shall be held at

Hartt's Mills, in the Parish of Blissville, in the County of Sunbury, and shall be called by Alfred Robinson, or in case of his death, neglect, or refusal, by any two of said Company, by giving notice in any newspaper printed in the County of York, or in the Royal Gazette, at least ten days previous to such meeting, for the purpose of making bye laws and choosing five Directors and such other officers as may be necessary for the management of the affairs of the said Corporation; which Directors and officers so chosen shall serve until the annual meeting, or until others are chosen in their stead, and shall have full power and authority to manage the concerns of said Corporation, subject to the rules and regulations herein provided; provided always, that so soon as the capital stock of six thousand dollars shall have been paid in and expended for the purposes of this Act, it shall and may be lawful for the same stockholders at any general meeting to be called for the 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 twenty thousand dollars; which additional capital stock shall be divided into shares of forty dollars each.

5. A general meeting of the stockholders of the said Corporation shall be held on the first Monday in March in each and every year at Blissville aforesaid, 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 one year or until others are chosen in their places, and shall at the first meeting, after due election, choose one of their number President of such Company; provided always, that not less than three Directors do form a quorum for the transaction of business; and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

6. Each stockholder shall be entitled when, in conformity with the provisions of this Act, the votes of the stockholders are to be given, to one vote for each share of stock held by him; absent stockholders may vote by proxy, providing such proxy be a stockholder and produce a sufficient authority in writing; the shares in said Corporation shall be assignable and transferable according to such rules and regulations as the stockholders may establish.

7. If it should happen that the Directors or other officers should not be chosen on the first Monday in March, 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, by giving ten days notice as hereinbefore provided; and in case of vacancy in the Board of Directors by death, absence, or any other disqualification, the said Directors may fill up such vacancy from among the stockholders.

8. The said Company shall have power to levy and collect upon the shares, from time to time, such assessment as the Board of Directors may assess, not exceeding in all the full value of such shares, for the purpose of paying the debts of said Corporation, or for the building of dams, sluices and such other things as may be deemed necessary and requisite for carrying on the business of the said Corporation; and when any assessment is made it shall be the duty of the Secretary or agent to give ten days notice thereof, as provided in the sixth Section of this Act, requiring payment of the same in thirty days, and in case of refusal by any shareholder to pay such assessment at the time prescribed, it shall be the duty of the Secretary or agent to advertise all such delinquent shares by public auction, giving at least thirty days notice of the time and place of such sale; and all shares upon which the assessment is not paid, with interest thereon from the time of such assessment, shall be sold to the highest bidder, and after retaining the amount of the assessment, with the 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.

9. Provided always, that unless twenty five per cent. 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 terminate.

10. The said Corporation shall from time to time, first giving ten days notice in manner and form as aforesaid, have power to levy and collect from all the owners of logs on

said stream, such sum or sums of money as may be expended by them in improving said streams, and also for the cost of driving logs that may be driven by them, and assessing each owner of logs with his proportion of the money so expended and no more.

11. Any sum or sums of money expended in the improvement of said stream or lakes for the purpose of facilitating the driving of the stream, to be assessed as described in the preceding Section, in the proportion of thirty three and one-third per cent. each year until the expense of said improvements are paid for, and not sooner.

12. The Corporation shall have a lien on all timber or logs so driven by them for the payment of such assessments, and in case of refusal or neglect to pay, so much of said timber or logs of each owner thereof so refusing or neglecting, as may be necessary to meet such assessment, with the expenses, may be sold by the said Corporation to pay the same, after ten days notice thereof, and the surplus (if any) shall be returned to the party assessed.

13. The assessments for improvements hereinbefore mentioned, shall be made on the logs or lumber passing the improvements, the driving of which has been facilitated by such improvements, and the assessment for driving according to the cost of driving without reference to the improvements.

14. The stockholders of said Company in their individual capacity shall be holden for all debts that may be due from said Corporation.

CAP. LXXXV.

An Act to incorporate the Richibucto Boom Company.

Section

- 1 Company incorporated.
- 2 Power to enter upon lands; compensation.
- 3 Capital.
- 4 First meeting.
- 5 Deposit on stock, when and to whom paid.
- 6 Deposit allowed as capital; who to vote.
- 7 Navigation of river not to be interfered with.
- 8 Time boom shall be kept open, &c.

Section

- 9 Boomage on lumber.
- 10 Duty of Company respecting lumber.
- 11 Boomage, how recovered.
- 12 Boomage on rafts and joints.
- 13 Company's lien.
- 14 Penalty for injuring booms, &c.
- 15 Disputes settled by arbitration.
- 16 Assessments on shares how collected.
- 17 Liability of stockholders and Corporation.
- 18 Limitation.

Passed 17th June 1867.

WHEREAS the erection of a Boom or Booms at or near the bridge over the Richibucto River near Anthony Cail's, in

the County of Kent, will be a great benefit to persons engaged in the lumbering business, by enabling them to secure timber, logs, masts, spars and other lumber floating down the said River, at a moderate expense; and whereas it is expedient to incorporate a Company for that purpose;—

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

1. William Sowerby, Oswald Smith, James Sowerby, Albert J. Smith, and Gerhardus C. Carman, and their associates, successors, and assigns, be and they are hereby declared to be a body corporate by the name of “The Richibucto Boom Company,” and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting a Boom or Booms on the Richibucto River at or near Cail’s bridge, and any other works on the shore connected therewith, for the more convenient collecting, picking up, securing and rafting timber, logs, masts, spars, and other lumber floating down the said Richibucto River, and for carrying on and managing the operations of the said Company.

2. The said Company shall have full power and authority to enter upon, occupy, possess and use for the purposes of this Act, any of the adjoining lands absolutely necessary for any of the purposes aforesaid; and shall for such use, occupation, and possession, make to the owner or owners of the said adjoining lands such compensation as may be agreed upon by and between the said Company and the said owner or owners of the adjoining lands as aforesaid; and in case they should not agree, the amount of such compensation shall be left to the determination of any three persons agreed to by the said Company and the said owner or owners; and in case the said Company and the said owner or owners should not agree as to the person so to be chosen to determine the amount of the compensation as aforesaid, then and in such case the said compensation aforesaid shall be determined by a jury of five disinterested freeholders of the County of Kent, to be summoned by the Sheriff of Kent County in the manner jurors are summoned for assessing damages for roads passing over private property.

3. The capital stock of the said Company shall be four hundred dollars, and shall be divided into twenty shares of twenty dollars each.

4. The first meeting of the said Company for the purpose of organizing the same, shall be called by Albert J. Smith, or in case of his death, inability, or refusal to act, by any two of the said Company, by giving ten days notice of the time and place thereof, by notices to be posted up in two public places in each of the Parishes of Weldford and Richibucto; which meeting shall be held at the time and place mentioned in such notice.

5. The subscribers for stock in the said Company shall, previously to the first meeting of the said Company, pay into the hands of such person or persons, as the persons incorporated by the first Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors thereof, such an instalment or deposit on the capital stock of the said Company subscribed for by them, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, due notice being given at the time of the notice calling the first meeting of the members and stockholders of the Company of the time or several periods of time when, of the place and places where, and person or persons to whom the said instalment or deposit shall be paid.

6. The said instalment or deposit when paid, shall be taken and allowed to every subscriber who shall pay the same, as part of the capital stock required to be paid in under and by virtue of this Act; and every subscriber who shall neglect or refuse to pay in the said deposit or instalment shall be deemed a defaulter; and no subscriber shall upon any pretence whatsoever, vote at the first meeting for the choice of Directors upon any share or shares unless he has paid the said instalment or deposit, nor shall he take any part in the proceedings thereof.

7. Nothing in this Act contained shall be construed to authorize the said Company to interfere with the navigation of the said Richibucto River, and the Boom and Booms shall be so constructed as to admit the passage of rafts and boats.

8. The said Company shall and they are hereby required to keep the said Boom or Booms open and in order to receive timber, logs, masts, spars and other lumber floating down the said River Richibucto, from the opening of the river in the spring, and after the said river is clear of ice,

until the first day of December in each and every year during the continuance of this Act.

9. The said Company shall be entitled to receive a sum not exceeding twenty cents per ton for each ton of square timber, and a sum not exceeding sixty cents per thousand for every thousand superficial feet of logs, juniper roots, masts, spars and other lumber floating or being in the said River Richibucto, which they shall secure and raft in a substantial manner, fit for transportation to Richibucto.

10. It shall be the duty of the said Company, and they are hereby required to collect together, pick up, and float down into the said Boom or Booms, and there secure and raft in joints, all timber and logs floating in the said River Richibucto, or aground on any flat, shore or bar within a distance of ten miles above the said Boom or Booms, at any time between the opening of the river in the spring; when the same is entirely free from ice, and the first day of December in each and every year during the continuance of this Act, provided the owner or owners of such timber, logs, masts, spars, juniper roots or other lumber shall have previously furnished to the said Company, or their agent or agents, with the mark or marks of such timber, logs, masts, spars, juniper roots or other lumber, previously to its coming within ten miles of said Boom or Booms so called; and after the furnishing the said marks, the said lumber shall be considered to be under the full control of and liable to boomage to the said Company.

11. If the owner or owners of any timber, logs, masts, spars, juniper knees or other lumber shall not, within six days after the same has been rafted and surveyed, either by himself or his agent, or themselves or their agents, pay the boomage thereon to the said Company, or their agent or agents, and take the possession and the charge thereof, the said Company shall be entitled to receive a reasonable compensation for keeping the said timber, logs, masts, spars, juniper knees and other lumber, which shall be deemed to be at the risk of the owner or owners; and the said Company, after giving ten days personal notice to the said owner or owners, may sell so much of the said timber, logs, masts, spars, juniper knees or other lumber, as shall be sufficient to pay the boomage, with the usual freight to Richibucto,

the expense of keeping, expense of sale, and all the incidental expenses, rendering the overplus (if any) to the owner or owners; and the remaining part of such timber, logs, masts, spars, juniper knees or other lumber shall be kept until required by the owner or owners thereof, at his or their risk and expense.

12. If any joints or rafts of timber, logs, masts, spars, juniper knees or other lumber shall run into the said Boom or Booms by accident or by the force of the current, it shall be the duty of the said Company to protect such joints or rafts, and shall be entitled to receive therefor at the rate of five cents per ton for every ton of timber, and ten cents per thousand for every thousand superficial feet of logs, masts, spars, juniper knees or other lumber.

13. The said Company shall have a lien on all timber, logs, masts, spars, juniper knees and other lumber running into the said Boom or Booms, which may be rafted and jointed in the said Boom or Booms, or which may be carried into the said Boom by accident or by the force of the current; and the said Company may retain such timber, logs, masts, spars, juniper knees or other lumber, or a sufficient part thereof, until the charges for boomage are paid or secured.

14. Any person wilfully injuring any Boom or Booms, or any of the works or property of the said Company connected with the said Boom or Booms, shall, in addition to any liability to the said Company for any special damage sustained thereby by the said Company, be liable to a penalty of twenty dollars, to be recovered by action of debt at the suit of the said Company, to be recovered in any Court having competent jurisdiction.

15. All questions of difference of any kind relating to the quantity of timber, masts, logs, spars, juniper knees or other lumber rafted by the said Company, or the mode of rafting the same, shall be submitted to arbitrament of three persons chosen by the Company and the owner or owners of said timber, masts, logs, spars, juniper knees or other lumber; and the award of them or any two of them shall be final and conclusive between the parties, and they shall also determine by whom and how the expense of such reference shall be paid.

16. The said Company shall have power to levy and collect assessments upon the shareholders from time to time, of such sum or sums of money as may be required for carrying on the business of the said Company; and when any such assessment is made or ordered by the stockholders of the said Company, it shall be the duty of the Treasurer to give written notice thereof to each stockholder, requiring the payment of his assessment within twenty days; if any shareholder neglect or refuse to pay to the Treasurer the amount of such assessment as aforesaid at the time prescribed, it shall be the duty of the Treasurer to advertise the shares of all such delinquents for sale at public auction, giving at least fifteen days notice of the time and place of such sale; and all such shares upon which the assessments have not been paid, with interest from the time such assessment became due, may be sold to the highest bidder; and the Treasurer shall retain the amount assessed, and interest, and pay the overplus (if any) to the shareholder, and a new certificate or certificates of the shares so sold shall by the said Company be made out and delivered to the purchasers; provided that no assessment shall be made except by a vote of the stockholders, and by a majority of all the shares.

17. The members and stockholders of the said Company shall be personally chargeable, in proportion to the stock they respectively hold, with the payment of the debts of the said Company, or any damages sustained by any person from the default, neglect or miscarriage of the said Company, their agents, officers, or servants; but no stockholder shall be liable to pay a sum exceeding the amount of stock actually then held by such member or stockholder; provided that nothing herein contained shall exempt the joint stock of the said Company from liability for the debts and engagements of the said Company.

18. This Act shall continue and be in force for five years, and no longer.

CAP. LXXXVI.

An Act to authorize the Trustees of Saint Andrews Church, Chatham, to sell, remove, or otherwise dispose of, the building of the old Saint Andrews Church, in the Town of Chatham.

Section

1 Trustees authorized to remove or dispose of building.

Section

2 Application of proceeds.
3 Burial ground extended.

Passed 17th June 1867.

WHEREAS the building situate near the lower end of the Town of Chatham, in the County of Northumberland, known as the old Saint Andrews Church, held by the Trustees of Saint Andrews Church, Chatham, and used for many years prior to the year one thousand eight hundred and sixty five for public worship, in connexion with the established Church of Scotland, was inconveniently situated for the large majority of the congregation, was incommodious, had become dilapidated, and required a large outlay for repairs; and whereas at a meeting of the pewholders and members of the congregation of the said Church, held on the twenty fifth day of March 1863, after due public notice, it was resolved that it would be more judicious to erect a new Church in Chatham than to repair the old one, and that the sums paid by the proprietors of pews, for the preference of their respective pews in the old Church, should be placed at their credit when purchasing the preference of pews in the new Church, to the extent of the same number of sittings; but that they should not be entitled to claim any surplus that might exist between the amounts so placed at their credit and the new purchase; and whereas, in accordance with the wishes of the said meeting, a large and commodious Church has since then been erected in a most convenient situation in the Town of Chatham, chiefly by private subscription, and has been used for public worship by the said congregation ever since the first day of January 1865, by the name of "Saint Andrews Church," for which building a considerable sum is still due; and whereas, since the erection of the new Church, the said old building has not been used by the said congregation, is not required, and is becoming more dilapidated, and it is deemed expedient by the members of the said congregation to sell and remove the same;—

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

1. That the Trustees of Saint Andrews Church, Chatham, be and they are hereby authorized and empowered to make sale, remove, or otherwise dispose of the said building used by the said congregation for public worship prior to the year 1865, to the highest bidder or bidders at public auction, thirty days notice of the time and place of such sale being

first given by printed handbills, or in a newspaper published in the Town of Chatham, and thereupon to make and execute any such instruments or agreements as may be necessary for carrying out the terms of such sale, or for the removal of the said building.

2. That the money arising from the sale and disposal of the said building, shall be paid and applied by the Trustees of the said Church towards the payment of the debt due upon the building of the said new Church.

3. That the Burying Ground connected with the said Saint Andrews Church, Chatham, shall be and is hereby extended to embrace and include all the land on which the said old Church now stands and all the other land owned by the said Trustees of the said Church, and heretofore held and used as the lands in connection with the said Saint Andrews Church and Burying Ground.

CAP. LXXXVII.

An Act to repeal Section four, Chapter twenty seven, of Act nineteenth Victoria, intituled *An Act relating to the Public Burial Grounds in the Town of Saint Andrews.*

Sec. 4, of cap. 27, 19th Vic. repealed; when remaining Sections to be in force.

Passed 17th June 1867.

BE it enacted by the Governor, Legislative Council, and Assembly,—That the fourth Section of Chapter twenty seven of an Act made and passed in the nineteenth year of the Reign of Her present Majesty Queen Victoria, intituled *An Act relating to the Public Burial Grounds in the Town of Saint Andrews*, be and the same is hereby repealed; and the remaining Sections of the said recited Act shall come into operation and be in force from and after the passing of this Act.

IMPERIAL ACTS

Referred to in Chapter 16, page 43, as extended to the Colonies.

13TH & 14TH VICTORIA, CHAPTER LX.

An Act to consolidate and amend the Laws relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees. [5th August 1850.]

Section	Section
1 Repeal of certain Acts; exceptions.	30 Court to declare what parties are Trustees of lands comprised in any suit, and as to the interests of persons unborn.
2 Interpretation of Terms.	31 Power to make directions how the right to transfer stock be exercised.
3 Lord Chancellor may convey Estates of lunatic Trustees & Mortgagees.	32 Power to appoint new Trustees.
4 May convey contingent rights.	33 New Trustees to have powers of Trustees appointed by Decree in suit.
5 May transfer stock of lunatic Trustees and Mortgagees.	34 Power to vest lands in new Trustees.
6 Power to transfer stock of deceased person.	35 Power to vest right to sue at law in new Trustees.
7 Court of Chancery may convey Estates of infant Trustees and Mortgagees.	36 Old Trustees not to be discharged from liability.
8 Contingent rights of infant Trustees and Mortgagees.	37 Who may apply.
9 Court may convey the Estate of a Trustee out of the jurisdiction.	38 Power to go before the Master in the first instance.
10 May make Order in cases where persons are seised of lands jointly with parties out of jurisdiction, &c.	39 Power to petition the Court or the Lord Chancellor.
11 Contingent rights of Trustees.	40 Power to present Petition in the first instance.
12 Court may make Order in cases where persons are jointly entitled with others out of the jurisdiction to a contingent right in lands.	41 What may be done upon Petition.
13 When it is uncertain which of several Trustees was the survivor.	42 Court may dismiss Petition with or without costs.
14 When it is uncertain whether the last Trustee be living or dead.	43 Power to make an Order in a Cause.
15 When Trustee dies without an heir.	44 Orders made by Court of Chancery, founded on certain allegations, to be conclusive evidence of the matter contained in such allegations.
16 Contingent right of unborn Trustee.	45 Trustees of Charities.
17 Power to convey in place of a refusing Trustee.	46 No escheat of property held upon Trust or Mortgage.
18 May convey in place of person entitled to contingent right.	47 Act not to prevent escheat or forfeiture of beneficial interest.
19 May convey in place of Mortgagee.	48 Money of infants and persons of unsound mind to be paid into Court.
20 May appoint a person to convey in certain cases.	49 Court may make a Decree in the absence of a Trustee.
21 As to lands in Lancaster and Durham.	50 Powers of the Master.
22 When Trustees of stock out of the jurisdiction.	51 Costs may be paid out of the Estate.
23 When Trustee of stock refuses to transfer.	52 Commission concerning person of unsound mind.
24 When one of several Trustees of stock refuses to transfer or receive and pay over dividends.	53 Suit may be directed.
25 When stock is standing in the name of a deceased person.	54 Powers of Court of Chancery to extend to property in the Colonies.
26 Effect of an Order vesting the legal right to transfer stock.	55 Powers may be exercised by Court of Chancery in Ireland.
27 Effect of an Order vesting legal right in a Chose in Action.	56 Powers of Lord Chancellor in lunacy to extend to property in Colonies.
28 Effect of an Order vesting copyhold lands, or appointing any person to convey copyhold lands.	57 Powers of Lord Chancellor in lunacy may be exercised by Lord Chancellor of Ireland.
29 When a Decree is made for sale of real estate for payment of debts.	58 Short Title.
	59 Commencement of Act.
	60 Act may be amended, &c.

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give Effect to their Decrees and Orders in certain cases*: And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment of the Law relative to the Escheat and Forfeiture of Real and Personal Property holden in trust*: And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to remove Doubts respecting Conveyances of Estates vested in Heirs and Devisees of Mortgagees*: And whereas it is expedient that the Provisions of the said Acts should be consolidated and enlarged: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all Proceedings under the said Acts or any of them commenced before the passing of this Act may be proceeded with under the said recited Acts, or according to the Provisions of this Act, as shall be thought expedient, and, subject as aforesaid, that the said recited Acts shall be and the same are hereby repealed: Provided always, that the several Acts repealed by the said recited Acts shall not be revived, and that such Repeal shall only be on and after this Act coming into operation.

2. And whereas it is expedient to define the meaning in which certain Words are hereafter used; it is declared, That the several Words herein-after named are herein used and applied in the Manner following respectively; (that is to say,)

The Word "Lands" shall extend to and include Manors, Messuages, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure or Description, whatever may be the Estate or Interest therein:

The Word "Stock" shall mean any Fund, Annuity, or Security transferable in Books kept by any Company or Society established or to be established, or transferable by Deed alone, or by Deed accompanied by other Formalities, and any Share or Interest therein:

The Word "seised" shall be applicable to any vested

Estate for Life or of a greater Description, and shall extend to Estates at Law and in Equity, in possession or in futurity, in any Lands :

The Word “ possessed ” shall be applicable to any vested Estate less than a Life Estate, at Law or in Equity, in possession or in expectancy, in any Lands :

The Words “ contingent Right,” as applied to Lands, shall mean a contingent or executory Interest, a Possibility coupled with an Interest, whether the Object of the Gift or Limitation of such Interest or Possibility be or be not ascertained, also a Right of Entry, whether immediate or future, and whether vested or contingent :

The Words “ convey ” and “ Conveyance,” applied to any Person, shall mean the Execution by such Person of every necessary or suitable Assurance for conveying or disposing to another Lands whereof such person is seised or entitled to a contingent Right, either for the whole Estate of the Person conveying or disposing, or for any less Estate, together with the Performance of all Formalities required by Law to the Validity of such Conveyance, including the Acts to be performed by married Women and Tenants in Tail in accordance with the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and the Substitution of more simple Modes of Assurance*, and including also Surrenders and other Acts which a Tenant of Customary or Copyhold Lands can himself perform preparatory to or in aid of a complete Assurance of such Customary or Copyhold Lands :

The Words “ assign ” and “ Assignment ” shall mean the Execution and Performance by a Person of every necessary or suitable Deed or Act for assigning, surrendering, or otherwise transferring Lands of which such person is possessed, either for the whole Estate of the Person so possessed or for any less Estate :

The Word “ transfer ” shall mean the Execution and Performance of every Deed and Act by which a Person entitled to Stock can transfer such Stock from himself to another :

The Words “ Lord Chancellor ” shall mean as well the

Lord Chancellor of *Great Britain* as any Lord Keeper or Lords Commissioners of the Great Seal for the time being: The Words "Lord Chancellor of *Ireland*" shall mean as well the Lord Chancellor of Ireland as any Keeper or Lords Commissioners of the Great Seal of *Ireland* for the Time being :

The Word "Trust" shall not mean the Duties incident to an Estate conveyed by way of Mortgage; but, with this Exception, the Words "Trust" and "Trustee" shall extend to and include implied and constructive Trusts, and shall extend to and include Cases where the Trustee has some beneficial Estate or Interest in the Subject of the Trust, and shall extend to and include the Duties incident to the Office of personal Representative of a deceased Person :

The Word "Lunatic" shall mean any Person who shall have been found to be a Lunatic upon a Commission of Inquiry in the Nature of a Writ De lunatico inquirendo :

The Expression "Person of unsound Mind" shall mean any Person, not an Infant, who, not having been found to be a Lunatic, shall be incapable from Infirmary of Mind to manage his own Affairs :

The Word "Devisee" shall, in addition to its ordinary Signification, mean the Heir of a Devisee and the Devisee of an Heir, and generally any Person claiming an Interest in the Lands of a deceased Person, not as Heir of such deceased Person, but by a Title dependent solely upon the Operation of the Laws concerning Devise and Descent :

The Word "Mortgage" shall be applicable to every Estate, Interest, or property in Lands or Personal Estate which would in a Court of Equity be deemed merely a Security for Money :

The Word "Person" used and referred to in the Masculine Gender shall include a Female as well as a Male, and shall include a Body Corporate :

And generally, unless the contrary shall appear from the Context, every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply to one person or thing, and every Word importing the Masuline Gender only shall extend to a Female.

3. And be it enacted, That when any Lunatic or Person of unsound Mind shall be seised or possessed of any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the Care of the Persons and Estates of Lunatics, to make an Order that such Lands be vested in such Person or Persons in such manner and for such Estate as he shall direct; and the Order shall have the same Effect as if the Trustee or Mortgagee had been sane, and had duly executed a Conveyance or Assignment of the Lands in the same manner for the same Estate.

4. And be it enacted, That when any Lunatic or Person of unsound Mind shall be entitled to any contingent Right in any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Lord Chancellor shall direct; and the Order shall have the same Effect as if the Trustee or Mortgagee had been sane, and had duly executed a Deed so releasing or disposing of the contingent Right.

5. And be it enacted, That when any Lunatic or Person of unsound Mind shall be solely entitled to any Stock or to any Chose in Action upon any Trust or by way of Mortgage, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order vesting in any Person or Persons the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof; and when any Person or Persons shall be entitled jointly with any Lunatic or Person of unsound Mind to any Stock or Chose in Action upon any Trust or by way of Mortgage, it shall be lawful for the said Lord Chancellor to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, either in such Person or Persons so jointly entitled as aforesaid, or in such last-mentioned Person or Persons together with any other Person or Persons the said Lord Chancellor may appoint.

6. And be it enacted, That when any Stock shall be stand-

ing in the Name of any deceased Person whose personal Representative is a Lunatic or Person of unsound Mind, or when any Chose in Action shall be vested in any Lunatic or Person of unsound Mind as the personal Representative of a deceased Person, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action or any Interest in respect thereof, in any Person or Persons he may appoint.

7. And be it enacted, That where any Infant shall be seised or possessed of any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such Manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the infant Trustee or Mortgagee had been Twenty-one Years of Age, and duly executed a Conveyance or Assignment of the Lands in the same manner for the same Estate.

8. And be it enacted, That where any Infant shall be entitled to any contingent Right in any Lands upon any Trust or by way of Mortgage, it shall be lawful for the Court of Chancery to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Court shall direct; and the Order shall have the same Effect as if the Infant had been Twenty-one Years of Age, and had duly executed a Deed so releasing or disposing of the contingent Right.

9. And be it enacted, That when any Person solely seised or possessed of any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an Order vesting such Lands in such Person or Persons in such manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands in the same manner and for the same Estate.

10. And be it enacted That when any Person or Persons shall be seised or possessed of any Lands jointly with a Person out of the Jurisdiction of the Court of Chancery, or who cannot be found, it shall be lawful for the said Court to

make an Order vesting the Lands in the Person or Persons so jointly seised or possessed, or in such last-mentioned Person or Persons together with any other Person or Persons, in such manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee out of the Jurisdiction, or who cannot be found, had duly executed a Conveyance or Assignment of the Lands in the same manner for the same Estate.

11. And be it enacted, That when any Person solely entitled to a contingent Right in any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an Order wholly releasing such Lands from such contingent Right, or disposing of the same to such Person or Persons as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance so releasing or disposing of the contingent Right.

12. And be it enacted, That when any Person jointly entitled with any other Person or Persons to a contingent Right in any Lands upon any Trust shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, it shall be lawful for the said Court to make an Order disposing of the contingent Right of the Person out of the Jurisdiction, or who cannot be found, to the Person or Persons so jointly entitled as aforesaid, or to such last-mentioned Person or Persons together with any other Person or Persons; and the Order shall have the same Effect as if the Trustee out of the Jurisdiction, or who cannot be found, had duly executed a Conveyance so releasing or disposing of the contingent Right.

13. And be it enacted, That where there shall have been Two or more Persons jointly seised or possessed of any Lands upon any Trust, and it shall be uncertain which of such Trustees was the Survivor, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Survivor of such Trustees had duly executed a Conveyance or Assignment of the Lands in the same manner for the same Estate.

14. And be it enacted, That where any One or more Person or Persons shall have been seised or possessed of any Lands upon any Trust, and it shall not be known, as to the Trustee last known to have been seised or possessed, whether he be living or dead, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the last Trustee had duly executed a Conveyance or Assignment of the Lands in the same manner for the same Estate.

15. And be it enacted, That when any Person seised of any Lands upon any Trust shall have died intestate as to such Lands without an Heir, or shall have died and it shall not be known who is his Heir or Devisee, it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Heir or Devisee of such Trustee had duly executed a Conveyance of the Lands in the same manner for the same Estate.

16. And be it enacted, That when any Lands are subject to a contingent Right in an unborn Person or Class of unborn Persons who upon coming into existence would in respect thereof become seised or possessed of such Lands upon any Trust, it shall be lawful for the Court of Chancery to make an Order which shall wholly release and discharge such Lands from such contingent Right in such unborn Person or Class of unborn Persons, or to make an Order which shall vest in any Person or Persons the Estate or Estates which such unborn Person or Class of unborn Persons would upon coming into existence be seised or possessed of in such Lands.

17. And be it enacted, That where any Person jointly or solely seised or possessed of any Lands upon any Trust shall, after a Demand by a Person entitled to require a Conveyance or Assignment of such Lands, or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey or assign the same, or shall neglect or refuse to convey or assign such Lands for the space of Twenty-eight Days next after a proper Deed for conveying

or assigning the same shall have been tendered to him by any Person entitled to require the same, or by a duly authorized Agent of such last-mentioned Person, it shall be lawful for the Court of Chancery to make an Order vesting such Land in such Person or Persons in such manner and for such Estate as the said Court shall direct; and the Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands in the same manner for the same Estate.

18. And be it enacted, That where any Person jointly or solely entitled to a contingent Right in any Lands upon any Trust shall, after a Demand for a Conveyance or Release of such contingent Right by a Person entitled to require the same, or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey or release such contingent Right, or shall neglect or refuse to convey or release such contingent Right for the space of Twenty-eight Days next after a proper Deed for conveying or releasing the same shall have been tendered to him by any Person entitled to require the same, or by a duly authorized Agent of such last-mentioned Person, it shall be lawful for the Court of Chancery to make an Order releasing or disposing of such contingent Right in such manner as it shall direct; and the Order shall have the same Effect as if the Trustee so neglecting or refusing had duly executed a Conveyance so releasing or disposing of the contingent Right.

19. And be it enacted, That when any Person to whom any Lands have been conveyed by way of Mortgage shall have died without having entered into the Possession or into the Receipt of the Rents and Profits thereof, and the Money due in respect of such Mortgage shall have been paid to a Person entitled to receive the same, or such last-mentioned Person shall consent to an Order for the Reconveyance of such Lands, then in any of the following Cases it shall be lawful for the Court of Chancery to make an Order vesting such Lands in such Person or Persons in such manner and for such Estate as the said Court shall direct; that is to say,

When an Heir or Devisee of such Mortgagee shall be out of the Jurisdiction of the Court of Chancery, or cannot be found :

When an Heir or Devisee of such Mortgagee shall, upon a Demand by a Person entitled to require a Conveyance of such Lands, or a duly authorized Agent of such last-mentioned Person, have stated in Writing that he will not convey the same, or shall not convey the same for the space of Twenty-eight Days next after a proper Deed for conveying such Lands shall have been tendered to him by a Person entitled as aforesaid, or a duly authorized Agent of such last-mentioned Person :

When it shall be uncertain which of several Devisees of such Mortgagee was the Survivor :

When it shall be uncertain as to the Survivor of several Devisees of such Mortgagee, or as to the Heir of such Mortgagee whether he be living or dead :

When such Mortgagee shall have died intestate as to such Lands, and without an Heir, or shall have died and it shall not be known who is his Heir or Devisee :

And the Order of the said Court of Chancery made in any One of the foregoing Cases shall have the same Effect as if the Heir or Devisee or surviving Devisee, as the Case may be, had duly executed a Conveyance or Assignment of the Lands in the same manner and for the same Estate.

20. And be it enacted, That in every Case where the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, shall, under the Provisions of this Act, be enabled to make an Order having the effect of a Conveyance or Assignment of any Lands, or having the Effect of a Release or Disposition of the contingent Right of any Person or Persons, born or unborn, it shall also be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, as the Case may be, should it be deemed more convenient, to make an Order appointing a Person to convey or assign such Lands, or release or dispose of such contingent Right ; and the Conveyance or Assignment, or Release or Disposition, of the Person so appointed, shall, when in conformity with the Terms of the Order by which he is appointed, have the same Effect, in conveying or assigning the Lands, or releasing or disposing of the contingent Right, as an Order of the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, would in the particular Case have had under the Provisions of this Act ; and in every Case where the

Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, shall, under the Provisions of this Act, be enabled to make an Order vesting in any Person or Persons the Right to transfer any Stock transferable in the Books of the Governor and Company of the Bank of *England*, or of any other Company or Society established or to be established, it shall also be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, if it be deemed more convenient, to make an Order directing the Secretary, Deputy Secretary, or Accountant General for the time being of the Governor and Company of the Bank of *England*, or any Officer of such other Company or Society, at once to transfer or join in transferring the Stock to the Person or Persons to be named in the Order; and this Act shall be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, and all other Companies or Societies, and their Officers and Servants, for all Acts done or permitted to be done pursuant thereto.

21. And be it enacted, That as to any Lands situated within the Duchy of *Lancaster* or the Counties Palatine of *Lancaster* or *Durham*, it shall be lawful for the Court of the Duchy Chamber of *Lancaster*, the Court of Chancery in the County Palatine of *Lancaster*, or the Court of Chancery in the County Palatine of *Durham*, to make a like Order in the same Cases as to any Lands within the Jurisdiction of the same Courts respectively as the Court of Chancery has under the Provisions herein-before contained been enabled to make concerning any Lands; and every such Order of the Court of the Duchy Chamber of *Lancaster*, the Court of Chancery in the County Palatine of *Lancaster*, or the Court of Chancery in the County Palatine of *Durham*, shall, as to such Lands, have the same Effect as an Order of the Court of Chancery: Provided always, that no Person who is anywhere within the Limits of the Jurisdiction of the High Court of Chancery shall be deemed by such local Courts to be an absent Trustee or Mortgagee within the meaning of this Act.

22. And be it enacted, That when any Person or Persons shall be jointly entitled with any Person out of the Jurisdiction of the Court of Chancery, or who cannot be found, or concerning whom it shall be uncertain whether he be living or dead, to any Stock or Chose in Action upon any

Trust, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action, or any Interest in respect thereof, either in such Person or Persons so jointly entitled as aforesaid, or in such last-mentioned Person or Persons together with any Person or Persons the said Court may appoint; and when any sole Trustee of any Stock or Chose in Action shall be out of the Jurisdiction of the said Court, or cannot be found, or it shall be uncertain whether he be living or dead, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in any Person or Persons the said Court may appoint.

23. And be it enacted, That where any sole Trustee of any Stock or Chose in Action shall neglect or refuse to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action, or any Interest in respect thereof, according to the Direction of the Person absolutely entitled thereto, for the space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him by the Person absolutely entitled thereto, it shall be lawful for the Court of Chancery to make an Order vesting the sole Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in such Person or Persons as the said Court may appoint.

24. And be it enacted, That where any One of the Trustees of any Stock or Chose in Action shall neglect or refuse to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for or recover such Chose in Action according to the Directions of the Person absolutely entitled thereto, for the space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him or her by such Person, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, or to sue for and recover such Chose in Action, in the other Trustee or Trustees of the said Stock or Chose in

Action, or in any Person or Persons whom the said Court may appoint jointly with such other Trustee or Trustees.

25. And be it enacted, That when any Stock shall be standing in the sole Name of a deceased Person, and his or her personal Representative shall be out of the Jurisdiction of the Court of Chancery, or cannot be found, or it shall be uncertain whether such personal Representative be living or dead, or such personal Representative shall neglect or refuse to transfer such Stock, or receive the Dividends or Income thereof, according to the Direction of the Person absolutely entitled thereto, for the space of Twenty-eight Days next after a Request in Writing for that Purpose shall have been made to him by the Person entitled as aforesaid, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, in any Person or Persons whom the said Court may appoint.

26. And be it enacted, That where any Order shall have been made under any of the Provisions of this Act vesting the Right to any Stock in any Person or Persons appointed by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, such legal Right shall vest accordingly, and thereupon the Person or Persons so appointed are hereby authorized and empowered to execute all Deeds and Powers of Attorney, and to perform all Acts relating to the Transfer of such Stock into his or their own Name or Names or otherwise, or relating to the Receipt of the Dividends thereof, to the Extent and in conformity with the Terms of such Order; and the Bank of *England*, and all Companies and Associations whatever, and all Persons, shall be equally bound and compellable to comply with the Requisitions of such Person or Persons so appointed as aforesaid, to the Extent and in conformity with the Terms of such Order as the said Bank of *England*, or such Companies, Associations, or Persons, would have been bound and compellable to comply with the Requisitions of the Person in whose Place such Appointment shall have been made, and shall be equally indemnified in complying with the Requisition of such Person or Persons so appointed as they would have been indemnified in complying with the Requisition of the Person in whose Place such Appointment shall have been

made; and after Notice in Writing of any such Order of the Lord Chancellor, intrusted as aforesaid, or of the Court of Chancery, concerning any Stock, shall have been given, it shall not be lawful for the Bank of *England*, or any Company or Association whatever, or any Person having received such Notice, to Act upon the Requisition of the Person in whose Place an Appointment shall have been made in any Matter whatever relating to the Transfer of such Stock, or the Payment of the Dividends or Produce thereof.

27. And be it enacted, That where any Order shall have been made under the Provisions of this Act, either by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, vesting the legal Right to sue for or recover any Chose in Action or any Interest in respect thereof in any Person or Persons, such legal Right shall vest accordingly, and thereupon it shall be lawful for the Person or Persons so appointed to carry on, commence, and prosecute, in his or their own Name or Names, any Action, Suit, or other Proceeding at Law or in Equity for the Recovery of such Chose in Action, in the same Manner in all respects as the Person in whose Place an Appointment shall have been made could have sued for or recovered such Chose in Action.

28. And be it enacted, That whensoever, under any of the Provisions of this Act, an Order shall be made, either by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, vesting any Copyhold or Customary Lands in any Person or Persons, and such Order shall be made with the Consent of the Lord or Lady of the Manor whereof such Lands are holden, then the Lands shall, without any Surrender or Admittance in respect thereof, vest accordingly; and whenever, under any of the Provisions of this Act, an Order shall be made either by the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, appointing any Person or Persons to convey or assign any Copyhold or Customary Lands, it shall be lawful for such Person or Persons to do all Acts and execute all Instruments for the Purpose of completing the Assurance of such Lands; and all such Acts and Instruments so done and executed shall have the same Effect, and every Lord and Lady of a Manor, and every other Person, shall, subject to the Customs of the Manor and the usual Payments, be equally bound and com-

pellable to make Admittance to such Lands, and to do all other Acts for the Purpose of completing the Assurance thereof, as if the Persons in whose Place an Appointment shall have been made, being free from any Disability, had duly done and executed such Acts and Instruments.

29. And be it enacted, That when a Decree shall have been made by any Court of Equity directing the Sale of any Lands for the Payment of the Debts of a deceased Person, every Person seised or possessed of such Lands, or entitled to a contingent Right therein, as Heir, or under the Will of such deceased Debtor, shall be deemed to be so seised or possessed or entitled, as the Case may be, upon a Trust within the Meaning of this Act; and the Court of Chancery is hereby empowered to make an Order wholly discharging the contingent Right, under the Will of such deceased Debtor, of any unborn Person.

30. And be it enacted, That where any Decree shall be made by any Court of Equity for the specific Performance of a Contract concerning any Lands, or for the Partition or Exchange of any Lands, or generally when any Decree shall be made for the Conveyance or Assignment of any Lands, either in Cases arising out of the Doctrine of Election or otherwise, it shall be lawful for the said Court to declare that any of the Parties to the said Suit wherein such Decree is made are Trustees of such Lands or any part thereof, within the Meaning of this Act, or to declare concerning the Interests of unborn Persons who might claim under any Party to the said Suit, or under the Will or voluntary Settlement of any Person deceased who was during his Lifetime a Party to the Contract or Transactions concerning which such Decree is made, that such Interests of unborn Persons are the Interests of Persons who, upon coming into existence, would be Trustees within the meaning of this Act, and thereupon it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, as the Case may be, to make such Order or Orders as to the Estates, Rights, and Interests of such Persons, born or unborn, as the said Court or the said Lord Chancellor might under the Provisions of this Act make concerning the Estates, Rights, and interests of Trustees born or unborn.

31. And be it enacted, That it shall be lawful for the

Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, to make Declarations and give Directions concerning the Manner in which the Right to any Stock or Chose in Action vested under the Provisions of this Act shall be exercised; and thereupon the Person or Persons in whom such Right shall be vested shall be compellable to obey such Directions and Declarations by the same Process as that by which other Orders under this Act are enforced.

32. And be it enacted, That whenever it shall be expedient to appoint a new Trustee or new Trustees, and it shall be found inexpedient, difficult, or impracticable so to do without the assistance of the Court of Chancery, it shall be lawful for the said Court of Chancery to make an Order appointing a new Trustee or new Trustees either in substitution for or in addition to any existing Trustee or Trustees.

33. And be it enacted, That the Person or Persons who, upon the making of such Order as last aforesaid, shall be Trustee or Trustees, shall have all the same Rights and Powers as he or they would have had if appointed by a Decree in a Suit duly instituted.

34. And be it enacted, That it shall be lawful for the said Court of Chancery, upon making any Order for appointing a new Trustee or new Trustees, either by the same or by any subsequent Order to direct that any Lands subject to the Trust shall vest in the Person or Persons who upon the Appointment shall be the Trustee or Trustees, for such Estate as the Court shall direct; and such Order shall have the same Effect as if the Person or Persons who before such Order were the Trustee or Trustees (if any) had duly executed all proper Conveyances and Assignments of such Lands for such Estate.

35. And be it enacted, That it shall be lawful for the said Court of Chancery, upon making any Order for appointing a new Trustee or new Trustees, either by the same or by any subsequent Order, to vest the Right to call for a Transfer of any Stock subject to the Trust, or to receive the Dividends or Income thereof, or to sue for or recover any Chose in Action, subject to the Trust, or any Interest in respect thereof, in the Person or Persons who upon the Appointment shall be the Trustee or Trustees.

36. And be it enacted, That any such Appointment by

the Court of new Trustees, and any such Conveyance, Assignment, or Transfer as aforesaid, shall operate no further or otherwise as a Discharge to any former or continuing Trustee than an Appointment of new Trustees under any Power for that Purpose contained in any Instrument would have done.

37. And be it enacted, That an Order, under any of the herein-before contained Provisions, for the Appointment of a new Trustee or Trustees, or concerning any Lands, Stock, or Chose in Action subject to a Trust, may be made upon the Application of any Person beneficially interested in such Lands, Stock, or Chose in Action, whether under Disability or not, or upon the Application of any Person duly appointed as a Trustee thereof; and that an Order under any of the Provisions herein-before contained concerning any Lands, Stock, or Chose in Action subject to a Mortgage may be made on the Application of any Person beneficially interested in the Equity of Redemption, whether under Disability or not, or of any Person interested in the Monies secured by such Mortgage.

38. And be it enacted, That when any Person shall deem himself entitled to an Order under any of the Provisions herein-before contained, either from the Lord Chancellor, intrusted as aforesaid, or from the Court of Chancery, it shall be lawful for him to exhibit before any One of the Masters of the High Court of Chancery a Statement of the Facts whereon such Order is sought to be obtained, and adduce Evidence in support thereof; and if such Evidence shall be satisfactory to the said Master, he shall, at the Request of the Person adducing such Evidence, give a Certificate under his Hand of the several material Facts found by him to be true, and of his Opinion that such Person is entitled to an Order in the Form set forth in such Certificate.

39. And be it enacted, That any Person who shall have obtained such Certificate may apply by Motion to the Court of Chancery, or to the Lord Chancellor, intrusted as aforesaid, for an Order to the Effect set forth in such Certificate, or for such other Order as such Person may deem himself entitled to upon the Facts found by the Master.

40. And be it enacted, That any Person or Persons entitled in manner aforesaid to apply for an Order from the

said Court of Chancery, or from the Lord Chancellor, intrusted as aforesaid, may, should he so think fit, present a Petition in the first instance to the Court of Chancery, or to the Lord Chancellor, intrusted as aforesaid, for such Order as he may deem himself entitled to, and may give Evidence by Affidavit or otherwise in support of such Petition before the said Court, or the Lord Chancellor, intrusted as aforesaid, and may serve such Person or Persons with Notice of such Petition as he may deem entitled to Service thereof.

41. And be it enacted, That upon the Hearing of any such Motion or Petition it shall be lawful for the said Court or for the said Lord Chancellor, should it be deemed necessary, to direct a Reference to One of the Masters in Ordinary of the Court of Chancery to inquire into any Facts which require such an Investigation, or it shall be lawful for the said Court or for the said Lord Chancellor to direct such Motion or Petition to stand over, to enable the Petitioner or Petitioners to adduce Evidence or further Evidence before the said Court or before the said Lord Chancellor, or to enable Notice or any further Notice of such Motion or Petition to be served upon any Person or Persons.

42. And be it enacted, That upon the Hearing of any such Motion or Petition, whether any Certificate or Report from a Master shall have been obtained or not, it shall be lawful for the Court, or the Lord Chancellor, intrusted as aforesaid, to dismiss such Motion or Petition, with or without Costs, or to make an Order thereupon in conformity with the Provisions of this Act.

43. And be it enacted, That whensoever in any Cause or Matter, either by the Evidence adduced therein, or by the Admissions of the Parties, or by a Report of One of the Masters of the Court of Chancery, the Facts necessary for an Order under this Act shall appear to such Court to be sufficiently proved, it shall be lawful for the said Court, either upon the Hearing of the said Cause or of any Petition or Motion in the said Cause or Matter, to make such Order under this Act.

44. And be it enacted, That whenever any Order shall be made under this Act, either by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, for the Purpose of conveying or assigning any Lands, or for the Purpose of

releasing or disposing of any contingent Right, and such Order shall be founded on an Allegation of the personal Incapacity of a Trustee or Mortgagee, or on an Allegation that a Trustee or the Heir or Devisee of a Mortgagee is out of the Jurisdiction of the Court of Chancery, or cannot be found, or that it is uncertain which of several Trustees, or which of several Devisees of a Mortgagee, was the Survivor, or whether the last Trustee, or the Heir or last surviving Devisee of a Mortgagee, be living or dead, or on an Allegation that any Trustee or Mortgagee has died intestate without an Heir, or has died and it is not known who is his Heir or Devisee, then in any of such Cases the Fact that the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, has made an Order upon such an Allegation, shall be conclusive Evidence of the Matter so alleged in any Court of Law or Equity upon any Question as to the legal Validity of the Order: Provided always, that nothing herein contained shall prevent the Court of Chancery directing a Re-conveyance or Re-assignment of any Lands conveyed or assigned by any Order under this Act, or a Re-disposition of any contingent Right conveyed or disposed of by such Order; and it shall be lawful for the said Court to direct any of the Parties to any Suit concerning such Lands or contingent Right to pay any Costs occasioned by the Order under this Act, when the same shall appear to have been improperly obtained.

45. And be it enacted, That it shall be lawful for the Lord Chancellor, intrusted as aforesaid, or the Court of Chancery, to exercise the Powers herein conferred for the Purpose of vesting any Lands, Stock, or Chose in Action in the Trustee or Trustees of any Charity or Society over which Charity or Society the said Court of Chancery would have Jurisdiction upon Suit duly instituted, whether such Trustee or Trustees shall have been duly appointed by any Power contained in any Deed or Instrument, or by the Decree of the said Court of Chancery, or by Order made upon a Petition to the said Court under any Statute authorizing the said Court to make an Order to that Effect in a Summary Way upon Petition.

46. And be it enacted, That no Lands, Stock, or Chose in Action vested in any Person upon any Trust or by way

of Mortgage, or any Profits thereof, shall escheat or be forfeited to Her Majesty, Her Heirs or Successors, or to any Corporation, Lord or Lady of a Manor, or other Person, by reason of the Attainder or Conviction for any Offence of such Trustee or Mortgagee, but shall remain in such Trustee or Mortgagee, or survive to his or her Co-Trustee, or descend or vest in his or her Representative, as if no such Attainder or Conviction had taken place.

47. And be it enacted, That nothing contained in this Act shall prevent the Escheat or Forfeiture of any Lands or Personal Estate vested in any such Trustee or Mortgagee, so far as relates to any beneficial Interest therein of any such Trustee or Mortgagee, but such Lands or Personal Estate, so far as relates to any such beneficial Interest, shall be recoverable in the same manner as if this Act had not passed.

48. And be it enacted, That where any Infant or Person of unsound Mind shall be entitled to any Money payable in discharge of any Lands, Stock, or Chose in Action conveyed, assigned, or transferred under this Act, it shall be lawful for the Person by whom such Money is payable to pay the same into the Bank of *England*, in the Name and with the Privity of the Accountant General, in trust in any Cause then depending concerning such Money, or, if there shall be no such Cause, to the Credit of such Infant or Person of unsound Mind, subject to the Order or Disposition of the said Court; and it shall be lawful for the said Court, upon Petition in a summary Way, to Order any Money so paid to be invested in the Public Funds, and to Order Payment or Distribution thereof, or Payment of the Dividends thereof, as to the said Court shall seem reasonable; and every Cashier of the Bank of *England* who shall receive any such Money is hereby required to give to the Person paying the same a Receipt for such Money, and such Receipt shall be an effectual Discharge for the Money therein respectively expressed to have been received.

49. And be it enacted, That where in any Suit commenced or to be commenced in the Court of Chancery it shall be made to appear to the Court by Affidavit that diligent Search and Inquiry has been made after any Person made a Defendant, who is only a Trustee, to serve him with the Process of the Court, and that he cannot be found, it shall

be lawful for the said Court to hear and determine such Cause, and to make such absolute Decree therein against every person who shall appear to them to be only a Trustee, and not otherwise concerned in Interest in the Matter in question, in such and the same Manner as if such Trustee had been duly served with the Process of the Court, and had appeared and filed his Answer thereto, and had also appeared by his Counsel and Solicitor at the Hearing of such Cause: Provided always, that no such Decree shall bind, affect, or in anywise prejudice any Person against whom the same shall be made, without Service of Process upon him as aforesaid, his Heirs, Executors, or Administrators, for or in respect of any Estate, Right, or Interest which such Person shall have at the time of making such Decree for his own Use or Benefit, or otherwise than as a Trustee as aforesaid.

50. And be it enacted, That when any Person shall, under the Provisions of this Act, apply to One of the Masters of the Court of Chancery in the first instance, and adduce Evidence, for the Purpose of obtaining the Certificate of such Master as a Foundation for an Order of the said Lord Chancellor, intrusted as aforesaid, or the said Court of Chancery, it shall be lawful for the said Master to order Service of such Application upon any Person, or to dismiss such Application, and to direct that the Costs of any Person consequent thereon shall be paid by the Person making the same; and all Orders of the Master under this Act shall be enforced by the same Process as Orders of the Court made in any Suit against a Party thereto.

51. And be it enacted, That the Lord Chancellor, intrusted as aforesaid, and the Court of Chancery, may order the Costs and Expenses of and relating to the Petitions, Orders, Directions, Conveyances, Assignments, and Transfers to be made in pursuance of this Act, or any of them, to be paid and raised out of or from the Lands or Personal Estate, or the Rents or Produce thereof, in respect of which the same respectively shall be made, or in such manner as the said Lord Chancellor or Court shall think proper.

52. And be it enacted, That upon any Petition being presented under this Act to the Lord Chancellor, intrusted as aforesaid, concerning a Person of unsound Mind, it shall be lawful for the said Lord Chancellor, should he so think fit,

to direct that a Commission in the Nature of a Writ De lunatico inquirendo shall issue concerning such Person, and to postpone making any Order upon such Petition until a Return shall have been made to such Commission.

53. And be it enacted, That upon any Petition under this Act being presented to the Lord Chancellor, intrusted as aforesaid, or to the Court of Chancery, it shall be lawful for the said Lord Chancellor or the said Court of Chancery to postpone making any Order upon such Petition until the Right of the Petitioner or Petitioners shall have been declared in a Suit duly instituted for that Purpose.

54. And be it enacted, That the Powers and Authorities given by this Act to the Court of Chancery in *England* shall extend to all Lands and Personal Estate within the Dominions, Plantations, and Colonies belonging to Her Majesty (except *Scotland*.)

55. And be it enacted, That the Powers and Authorities given by this Act to the Court of Chancery in *England* shall and may be exercised in like manner and are hereby given and extended to the Court of Chancery in *Ireland* with respect to all Lands and Personal Estate in *Ireland*.

56. And be it enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall extend to all Lands and Personal Estate within any of the Dominions, Plantations, and Colonies belonging to Her Majesty (except *Scotland* and *Ireland*.)

57. And be it enacted, That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain*, intrusted as aforesaid, shall and may be exercised in like manner by and are hereby given to the Lord Chancellor of *Ireland*, intrusted as aforesaid, with respect to all Lands and Personal Estate in *Ireland*.

58. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Trustee Act, 1850."

59. And be it enacted, That this Act shall come into operation on the First Day of *November*, One thousand eight hundred and fifty.

60. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

15TH & 16TH VICTORIA, CHAPTER LV.

An Act to extend the Provisions of "The Trustee Act, 1850."

[30th June 1852.]

Section

- 1 Court of Chancery may make Order for vesting the Estate, in lieu of conveyance by a party to the suit after a Decree or Order for sale.
- 2 Power to make an Order for vesting the Estate, on refusal or neglect of a Trustee to convey or release.
- 3 Power to make an Order for the transfer or receipt of Dividends of stock in name of an infant Trustee.
- 4 On neglect to transfer stock for 28 days, Order may be made vesting right to transfer in such person as the Court shall appoint.
- 5 On like neglect by Executor, similar Order may be made.
- 6 Bank of England and Companies to comply with such Orders.

Section

- 7 Indemnity to Bank and Companies so obeying.
- 8 Power to appoint new Trustees in lieu of persons convicted of felony.
- 9 Power to appoint new Trustees where there is no existing Trustee.
- 10 Chancellor may make Orders for appointment of Trustees, without it being necessary that it should be made in Chancery, &c.
- 11 As to powers of persons entrusted with the care of lunatics.
- 12 Act to be construed as part of Trustee Act, 1850.
- 13 All Orders made under Trustee Act, 1850, or this Act, to be chargeable with the same Stamp duty as Deeds of Conveyance.

WHEREAS it is expedient to extend the Provisions of the Trustee Act, 1850: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same;—

1. That when any Decree or Order shall have been made by any Court of Equity directing the Sale of any Lands for any Purpose whatever, every Person seised or possessed of such Land, or entitled to a contingent Right therein, being a Party to the Suit or Proceeding in which such Decree or Order shall have been made, and bound thereby, or being otherwise bound by such Decree or Order, shall be deemed to be so seised or possessed or entitled (as the Case may be) upon a Trust within the Meaning of the Trustee Act, 1850; and in every such Case it shall be lawful for the Court of Chancery, if the said Court shall think it expedient for the Purpose of carrying such Sale into effect, to make an Order vesting such Lands or any Part thereof, for such Estate as the Court shall think fit, either in any Purchaser or in such other Person as the Court shall direct; and every such Order shall have the same Effect as if such Person so seised or possessed or entitled had been free from all Disability, and had duly executed all proper Conveyances and Assignments of such Lands for such Estate.

2. That Sections numbered Seventeen and Eighteen in the Queen's Printer's Copy of the Trustee Act, 1850, be repealed; and in every Case where any Person is or shall be jointly or solely seised or possessed of any Lands or entitled to a contingent Right therein upon any Trust, and a Demand shall have been made upon such Trustee by a Person entitled to require a Conveyance or Assignment of such Lands, or a duly authorized Agent of such last-mentioned Person, requiring such Trustee to convey or assign the same, or to release such contingent Right, it shall be lawful for the Court of Chancery, if the said Court shall be satisfied that such Trustee has wilfully refused or neglected to convey or assign the said Lands for the space of Twenty-eight Days after such Demand, to make an Order vesting such Lands in such Person, in such manner and for such Estate as the Court shall direct, or releasing such contingent Right in such manner as the Court shall direct; and the said Order shall have the same Effect as if the Trustee had duly executed a Conveyance or Assignment of the Lands, or a Release of such Right, in the same manner and for the same Estate.

3. That when any Infant shall be solely entitled to any Stock upon any Trust, it shall be lawful for the Court of Chancery to make an Order vesting in any Person or Persons the Right to transfer such Stock, or to receive the Dividends or Income thereof; and when any Infant shall be entitled jointly with any other Person or Persons to any Stock upon any Trust, it shall be lawful for the said Court to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, either in the Person or Persons jointly entitled with the Infant, or in him or them together with any other Person or Persons the said Court may appoint.

4. That where any Person shall neglect or refuse to transfer any Stock, or to receive the Dividends or Income thereof, or to sue for or recover any Chose in Action, or any Interest in respect thereof, for the space of Twenty-eight Days next after an Order of the Court of Chancery for that Purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an Order vesting all the Right of such Person to transfer such Stock, or to receive

the Dividends or Income thereof, or to sue for and recover such Chose in Action, or any Interest in respect thereof, in such Person or Persons as the said Court may appoint.

5. When any Stock shall be standing in the sole Name of a deceased Person, and his personal Representative shall refuse or neglect to transfer such Stock or receive the Dividends or Income thereof for the space of Twenty-eight Days next after an Order of the Court of Chancery for that Purpose shall have been served upon him, it shall be lawful for the Court of Chancery to make an Order vesting the Right to transfer such Stock, or to receive the Dividends or Income thereof, in any Person or Persons whom the said Court may appoint.

6. When any Order being or purporting to be under this Act, or under the Trustee Act, 1850, shall be made by the Lord Chancellor, intrusted as aforesaid, or by the Court of Chancery, vesting the Right to any Stock, or vesting the Right to transfer any Stock, or vesting the Right to call for the Transfer of any Stock, in any Person or Persons, in every such Case the legal Right to Transfer such Stock shall vest accordingly; and the Person or Persons so appointed shall be authorized and empowered to execute all Deeds and Powers of Attorney, and to perform all Acts relating to the Transfer of such Stock into his or their own Name or Names, or otherwise, to the Extent and in conformity with the Terms of the Order; and the Bank of *England*, and all Companies and Associations whatever, and all Persons, shall be equally bound and compellable to comply with the Requisitions of such Person or Persons so appointed as aforesaid, to the Extent and in conformity with the Terms of such Order, as the said Bank of *England*, or such Companies, Associations, or Persons would have been bound and compellable to comply with the Requisitions of the Person in whose Place such Appointment shall have been made.

7. That every Order made or to be made, being or purporting to be made under this or the Trustee Act, 1850, by the Lord Chancellor intrusted as aforesaid, or by the Court of Chancery, and duly passed and entered, shall be a complete Indemnity to the Bank of *England*, and all Companies and Associations whatsoever, and all Persons, for any Act

done pursuant thereto ; and it shall not be necessary for the Bank of *England*, or such Company or Association, or Person, to enquire concerning the Propriety of such Order, or whether the Lord Chancellor intrusted as aforesaid, or the Court of Chancery, had Jurisdiction to make the same.

8. That when any Person is or shall be jointly or solely seised or possessed of any Lands or entitled to any Stock upon any Trust, and such Person has been or shall be convicted of Felony, it shall be lawful for the Court of Chancery, upon Proof of such Conviction, to appoint any Person to be a Trustee in the Place of such Convict, and to make an Order for vesting such Lands, or the Right to Transfer such Stock, and to receive the Dividends or Income thereof, in such Person to be so appointed Trustee ; and such Order shall have the same Effect as to Lands as if the Convict Trustee had been free from any Disability, and had duly executed a Conveyance or Assignment of his Estate and Interest in the same.

9. That in all Cases where it shall be expedient to appoint a new Trustee, and it shall be found inexpedient, difficult, or impracticable so to do without the Assistance of the Court of Chancery, it shall be lawful for the said Court to make an Order appointing a new Trustee or new Trustees, whether there be any existing Trustee or not at the time of making such Order.

10. In every Case in which the Lord Chancellor intrusted as aforesaid has Jurisdiction under this Act, or the Trustee Act, 1850, to order a Conveyance or Transfer of Land or Stock, or to make a Vesting Order, it shall be lawful for him also to make an Order appointing a new Trustee or new Trustees, in like manner as the Court of Chancery may do in like Cases, without its being necessary that the Order should be made in Chancery as well as in Lunacy, or be passed and entered by the Registrar of the Court of Chancery.

11. That all the Jurisdiction conferred by this Act on the Lord Chancellor, intrusted by virtue of the Queen's Sign Manual with the Care of the Persons and Estates of Lunatics, shall and may be had, exercised, and performed by the Person or Persons for the time being intrusted as aforesaid.

12. That this Act shall be read and construed according to the Definitions and Interpretations contained in the

Second Section of the Trustee Act, 1850, and the Provisions of the said last-mentioned Act (except so far as the same are altered by or inconsistent with this Act) shall extend and apply to the Cases provided for by this Act, in the same Way as if this Act had been incorporated with and had formed Part of the said Trustee Act, 1850.

13. That every Order to be made under the Trustee Act, 1850, or this Act, which shall have the Effect of a Conveyance or Assignment of any Lands, or a Transfer of any such Stock as can only be transferred by stamped Deed, shall be chargeable with the like Amount of Stamp Duty as it would have been chargeable with if it had been a Deed executed by the Person or Persons seised or possessed of such Lands, or entitled to such Stock; and every such Order shall be duly stamped for denoting the Payment of the said Duty.



INDEX

TO THE ACTS OF THE GENERAL ASSEMBLY.

28° VICTORIÆ, A. D. 1865.

A

Aliens,

Act to amend Act relating to Naturalization of, 51.

Appropriations,

Act to provide for expenses of Civil Government, 53.

For Roads, Bridges, and other Public Works, 63.

B

Banks,

Act relating to Charlotte County, 142.

Act to amend Charter of Commercial, 125.

Act to incorporate Woodstock, 75.

Bears,

Act to encourage destruction of, 73.

C

Carleton Ship Building and Trading Company,

Act to incorporate, 126.

Chatham,

Act establishing a Police Force in Town of, amended, 145.

Act to empower Trustees of Schools to sell certain lands, 146.

Act to incorporate Trustees of St. John's Church, amended, 148.

Charter of City of Saint John,

Act in amendment of, 97.

Civil Government of the Province,

Act to provide for defraying expenses of, 53.

Commercial Bank,

Act to amend Charter of, 125.

Corporation, Saint John,

Act to authorize assessment in certain cases, 96.

Act relating to Debt, &c. of, 117.

Act to enable Corporation to improve Ferries, 118.

Courts,

Act relating to City Court, Saint John, 113.

Act to establish additional Circuit Courts, 155.

D

Debentures,

Act to provide for payment of, 57.

Act to authorize County of Carleton to issue, 158.

- Deer,
Act for preservation of, 68.
- Digdeguash Lakes and Stream Driving Company,
Act to incorporate, 139.
- Dorchester Union Freestone Company, New York,
Act to enable to hold property in this Province, 155.

F

- Ferries,
Act to enable Corporation of Saint John to improve, 118.
- Fishery Draft, Saint John,
Act relating to, 113.
- Fredericton,
Act to incorporate City of, amended, 148.

G

- German Town Lake,
Act relating to draining of, amended, 144.
- Grand Jury, Saint John,
Act relating to, 119.

I

- Indian Town,
Act to improve Landing at, 88.
Act to provide relief to sufferers by Fire, 95.
- Intervale Lands,
Act to provide for fencing certain, 153
- Jurisdiction of Justices in Civil Suits,
Act to amend Title xxxvii, Chapter 137, Revised Statutes, 64.

K

- King's County,
Act to repeal Act changing Shire Town, 156.

L

- Lancaster,
Act relating to local government of Parish of, 121.
- Landing, Indian Town,
Act to improve, 88.
- Landlord and Tenant,
Act to amend Title xxxiv, Chapter 126, relating to, 67.
- Legislature,
Act to provide for expenses of, 52.

M

- Marriage and Divorce,
Act relating to, 51.
- Mechanics Institute, Sussex Vale,
Act to incorporate, 156.

Militia,
Act relating to, 9.

Moose,
Act for protection of, 69.

Municipalities,
Act relating to, 65.

N

Nashwaak River,
Act to authorize Sorting Boom on, 151.

P

Police Act, Saint John,
Act in addition to, 114.

Poor House, Saint Andrews,
Act to repeal Act relating to, 141.

Portland,
Act to amend Law relating to Taxes in Parish of, 83.
Act relating to Water Supply in Parish of, 103.

Post Office,
Act to amend Revised Statutes, relating to, 64.

Provincial Liabilities,
Payment of Debentures under Act relating to, 64.

Q

Queensbury,
Act to alter Division Line of Parish, 150.

R

Railways,
Act in addition to Act to provide Funds for, 58.
Act in addition to Act in aid of, 59.
Act to facilitate construction of Branch to Woodstock, 157.

Railway, European and North American,
Act to limit jurisdiction of Police Magistrate of, 33.

Replevin,
Act to amend Title xxxiv, Cap. 126, Rev. Stat., relating to, 67.

Roads and Bridges,
Act to provide for repairs of, 54.

S

Saint Andrews,
Act to repeal Act relative to Poor House at, 141.

Saint Croix Bridge Company,
Act to revive and continue Act to incorporate, 142.

- Saint John,
 Act to authorize Corporation to assess in certain cases, 96.
 Act in amendment of Charter of, 97.
 Act relating to Sewerage on Eastern side of Harbour, 98
 Act relating to Water Supply, 103.
 Act relating to Fishery Draft, 113.
 Act in addition to Police Act, 114.
 Act relating to Debts, &c. of Corporation of, 117.
 Act to enable Corporation to improve Ferries, 118.
 Act relating to Grand Juries, 119.
 Act relating to Alms House, &c. 120.
- Saint Stephen,
 Act to incorporate persons in Lower District of, 133.
 Branch Railroad Co., Act in addition to Act to incorporate, 143.
 Act to establish Police Force in Parish of, 144.
- Sewers,
 Act to explain certain Sections of Chapters 67, 68, & 69, of Title
 x, Revised Statutes, relating to, '66.
 Act to extend Chapter 69, Title x, Rev. Statutes, relating to, 67.
- Shire Town, King's County,
 Act to repeal Act changing, 156.
- Simonds and Saint Martins,
 Act relating to local government of Parishes of, 121.
- Southampton,
 Act to alter Division Line of Parish of, 150.
- Spirituuous Liquors,
 Act to revive Act to regulate sale of, 32.
- Steam Navigation,
 Act relating to, 38.
- Sussex Vale Mechanics Institute,
 Act to incorporate, 156.
- T
- Taxes,
 Act to amend Law relating to, in Parish of Portland, 33.
- W
- Water Supply,
 Act relating to, in Saint John and Portland, 103.
- Westmorland,
 Act to provide for fencing certain Intervale Lands in, 153.
- Woodstock Bank,
 Act to incorporate, 75.
- Woodstock,
 Act to facilitate Branch Railway to, 157.
-

INDEX

TO THE ACTS OF THE GENERAL ASSEMBLY.

29° & 30° VICTORIÆ, A. D. 1866.

A

- Aberdeen Iron Company,
 - Act to incorporate, 15.
- Albert Bank,
 - Act to incorporate, 123.
- Albert Railway Company,
 - Act to amend Act to incorporate, 19.
- Army and Navy,
 - Act respecting offences relating to, 75.
- Assembly, Members of,
 - Act in amendment of Act to vacate Seats of, in certain cases, 86.
- Appropriations,
 - Expenses of Civil Government of the Province, 69.
 - Repair of Roads and Bridges, 69.
 - Expenses of Legislature, 71.

B

- Bank, Albert,
 - Act to incorporate, 123.
- Bank, Northern,
 - Act to incorporate, 44.
- Benefit Building Societies,
 - Act to revive Act relating to, 42.

C

- Caledonia Mining and Manufacturing Company,
 - Act to wind up affairs of, 29.
- Calkers' Association,
 - Act to incorporate, 138.
- Carleton,
 - Act to authorize Municipality of, to issue Debentures, 104.
- Carleton Parish, Kent County,
 - Act relating to Roads and Bridges in, 107.
- Church Lands,
 - Act relating to, in Parish of Shediak, 107.
- City Hall, Saint John,
 - Act in addition to Law relating to, 87.

Councillors,

Act for election of, in the several Municipalities, 82.

Courts,

Act to empower the Justices of the several, to act in certain cases relative to Taxes, 11.

D

Digdeguash Lakes and Stream Driving Company,

Act in amendment of Act to incorporate, 25.

E

Export Duty on Lumber,

Act to revive, 9.

Act to perpetuate Act, 74.

F

Fredericton,

Act to establish Board of Health in City of, 13.

Fredericton Railway Company,

Act to incorporate, 27.

Fredericton, City of,

Act to authorize exchange of Lands in, 59.

Act to authorize City Council to assess for Agricultural purposes, 105.

Act relating to, 136.

H

Habeas Corpus,

Suspension of Act in certain cases, 65.

Hampton,

Act to alter Polling place in Parish of, 13.

J

Justices of the several Courts,

Act to empower them to act in certain cases, 11.

Justice in Equity,

Act relating to administration of, 76.

L

Lumber Export Duty,

Act to revive Act, 9.

Act to perpetuate Act, 74.

M

Members of Assembly,

Act in amendment of Act to vacate Seats of, in certain cases, 86.

Militia,

Act in amendment of Act relating to, 23.

Miramichi, Richibucto and Shediac Railway Company,

Act to incorporate, 109.

N

- Naval Defence,
 Act to make better provision for, 9.
- Newcastle,
 Act to provide for repairing Roads in Parish of, 20.
- Newcastle Gas Company,
 Act in amendment of Act to incorporate, 26.
- Northern Bank,
 Act to incorporate, 44.

O

- Oyster Beds,
 Act to encourage formation of, 83.

P

- Palmerston,
 Act to change name of Parish of, 23.
- Parish Officers,
 Act relating to certain, 78.
- People's Street Railway Company,
 Act to incorporate, 115.
- Provincial Oil Company,
 Act to incorporate, 111.

R

- Railway Lines,
 Act to authorize connexion of, 78.
- Rates and Taxes,
 Act to empower Justices of the several Courts to act in certain cases, 11.
- Revenue,
 Act imposing Duties for raising, 63.
- Richibucto, Miramichi and Shediac Railway Company,
 Act to incorporate, 109.

S

- Saint Andrews Friendly Society,
 Act to incorporate, 23.
- Saint Andrews Church, Saint John,
 Act to authorize Trustees to sell certain lands, 37.
- Saint Andrews,
 Act to facilitate construction of Deep Sea Wharf at, 39.
- Saint Croix Bridge Company,
 Act to revive Act to incorporate, 106.
- Seamen,
 Act to amend Cap. 87, Revised Statutes, relative to shipping at Port of Saint John, 89.

- Shediac,
 Act relating to Church Lands in Parish of, 107.
- Shediac, Miramichi and Richibucto Railway Company,
 Act to incorporate, 109.
- Shipwrights' Union,
 Act to incorporate, 140.
- Supreme Court,
 Act to provide for reporting Decisions of, 84.
- Saint John, City,
 Act to amend Law relating to Cross Street in, 38.
 Act relating to City Hall in, 87.
 Act to enable Corporation of, to grant exemptions to members of
 Fire Department, 87.
 Act to authorize Corporation of, to take shares in Railway, 90.
 Act to authorize Corporation of, to effect improvements in Streets,
 &c., 113.
- Saint John, Port of,
 Act relative to shipping Seamen at, 89.
- Saint John Grammar School,
 Act to authorize President, &c., to borrow money, 89.
- Saint John Street,
 Act to authorize extension of, 92.

T

- Treasury, Provincial,
 Act to provide for the prompt payment of all demands on, 84.

W

- Warehousing Goods,
 Act in addition to and in amendment of sec. 15, cap. 28, Title iii,
 Revised Statutes, 86.
- Weights,
 Act relating to, 73.
- Woodstock,
 Act to enable Town of, to aid Woodstock Railway, 32.
- Woodstock Railway,
 Act to aid in construction of, 31.
- Woodstock Railway Company,
 Act to authorize issue of Debentures, 35.

Y

- York County,
 Act to establish additional Polling places in, 11.
 Act relating to Polling places in, 103.
 Act to authorize County to assess for Agricultural purposes, 104.

INDEX

TO THE ACTS OF THE GENERAL ASSEMBLY.

30° VICTORIÆ, A. D. 1867.

- Albert,
Bank—To amend Act incorporating, 193.
Mining and Manufacturing Co.—Confirming incorporation of, 131.
Railway Company—Amending Act of incorporation, 192.
- Antimony Company, Brunswick,
Confirming incorporation of, 129.
- Appropriations,
Expenses of Civil Government of Province, 11.
Repairs of Roads and Bridges, 12.
- Assembly and Legislative Council,
Relating to Members of, 47.
- Assurance Company,
Saint John Mercantile Marine—Incorporated, 69.
- Attorneys of Supreme Court,
Relating to admission of, 18.
- Banks,
Albert—To amend Act incorporating, 193.
Eastern, of New Brunswick—Incorporated, 157.
Merchants, of New Brunswick—Incorporated, 99.
Northern—To amend Act incorporating, 129.
People's—To amend Act incorporating, 80.
Saint Stephens—For further increase of capital stock, 170.
Woodstock—To amend Act incorporating, 47.
- Bills, Notes, and Choses in Action,
To amend Acts relating to, 59.
- Boom,
Company, Richibucto—Incorporated, 201.
Sorting, on Eel River—To authorize erection of, 78.
- Bridge,
Bonds, Saint John—Relating to, 183.
Company, Woodstock—Incorporated, 81.
- British and American Telegraph Company in New Brunswick,
Incorporated, 89.
- Brunswick Antimony Company,
Confirming incorporation of, 129.

- Carleton,
 City of Saint John—Improvement of Streets in, 179.
 County of—Additional Polling places established in, 49.
 County of Kent—Additional Polling place established in, 49.
- Charlotte,
 Lepreaux—Change of Polling place in, 49.
 Milltown—Relating to Firemen of, 192:
 Saint David—To provide for erection of Town Hall in, 191.
- Chatham,
 Old Saint Andrews Church—Authorizing sale or removal of, 206.
- Christians—See *Disciples of Christ*, 185.
- City Hall, Saint John,
 To amend Act providing for erection of, 178.
- Corporations,
 Act relating to, amended, 52.
 Act to incorporate the—
 British & American Telegraph Company in N. Brunswick, 89.
 Disciples of Christ or Christians, 185.
 Eastern Bank of N. Brunswick in County of Westmorland, 157.
 Houlton Branch Railway Company, 120.
 International Hotel Company of Saint John, 138.
 International Telegraph Company, 186.
 Maduxnikik River Driving Company, 194.
 Merchants Bank of New Brunswick, 99.
 Oromocto River Driving Company, 197.
 Richibucto Boom Company, 201.
 Saint Andrews Deep Sea Wharf and Railway Company, 151.
 Saint John Mercantile Marine Assurance Company, 69.
 Saint John Trades Co-operative Association, 125.
 Western Telegraph Company of New Brunswick, 174.
 Wiggins Male Orphan Institution, 19.
 Woodstock Bridge Company, 81.
- Act to amend Act incorporating the—
 Albert Bank, 193.
 Albert Railway Company, 192.
 Northern Bank, 129.
 People's Bank, 80.
 Saint Stephen Branch Railroad Company, 47.
 Woodstock Bank, 47.
- Act in amendment of and in addition to the Act incorporating the
 New Brunswick Electric Telegraph Company, 93.
- Act in addition to and in amendment of the Act incorporating the
 Woodstock Railway Company, 46.
- Act in further addition to the Act incorporating the Saint Stephen
 Branch Railroad Company, 58.

Corporations—*Continued.*

Act for further increasing the Capital Stock of the Saint Stephens Bank, 170.

Act relating to the Fredericton Railway Company, 141.

Act to ratify and confirm the Incorporation of the Brunswick Antimony Company, 129.

Act to ratify and confirm the Incorporation of the East Albert Mining and Manufacturing Company, 141.

Council, Legislative, and House of Assembly,

Members of Canadian Parliament incapable of sitting in, 47.

Counties and Parishes,

Division of Province into—Chapter I of Revised Statutes, altered and amended, 53.

Court, Supreme,

Attorneys of—Relating to admission of, 18.

Bills, Notes, and Choses in Action—Relating to, 59.

Fees—Payable by Clerk to Receiver General, 43.

Justice in Equity—Supreme Court in Equity to exercise powers given to Court of Chancery and Lord Chancellor by Imperial Acts 13 & 14 Vic. cap. 60, and 15 & 16 Vic. cap. 55, 43.

[*For Imperial Acts see page 209.*]

Reporter—Increase of annual allowance to, 191.

Courts, County,

Establishment of, 26.

Disciples of Christ, or Christians,

To incorporate certain Societies by name of, 185.

East Albert Mining and Manufacturing Company,

Incorporated, 131.

Eastern Bank of New Brunswick in County of Westmorland,

Incorporated, 157.

Eel River,

Sorting Boom on—To authorize erection of, 78.

Exhibition, Provincial, at Saint John,

Assessment for, authorized, 95.

Export Duty on Lumber,

Relating to collection of, 10.

Fees,

Clerk of Pleas to pay to Receiver General, 43.

Fredericton,

Country Market and City Hall in,

City Council authorized to raise money for erection of, 17.

Railway Company,

City Council of Fredericton empowered to contract a loan in aid of, 143.

County Council of York Municipality authorized to aid, 147.

Relating to, 141.

Gaol Limits,

Relating to, 52.

-
- Grand Falls, Victoria,
Additional Polling place established at, 48.
- Great Roads,
Relating to, 44.
- Hopewell, County of Albert,
Roads and Bridges—To provide for more effectual repairing, 112.
- Hospital, General Public, at Saint John,
Act relating to, further amended, 59.
- Hotel Company, International, Saint John,
Incorporated, 138.
- Houlton Branch Railway Company,
Incorporated, 120.
- Indian Town,
Fire at—Addition to Act providing relief to sufferers by, 19.
- International,
Hotel Company of the City of Saint John, incorporated, 138.
Telegraph Company, incorporated, 186.
- Kent County,
Polling place in—Additional established, 49.
New Parish of Saint Mary erected in, 56.
- Lepreaux,
Elections in—To change place for holding, 49.
- Lumber,
Export Duty on—Relating to, 10.
- Maduxnikik River Driving Company,
Incorporated, 194.
- Marine Assurance Company,
Saint John Mercantile—Incorporated, 69.
- Merchants Bank of New Brunswick,
Incorporated, 99.
- Milltown, Saint Stephen,
Relating to Firemen of, 192.
- Mining and Manufacturing Company, East Albert,
Incorporation of, confirmed, 131.
- New Brunswick Electric Telegraph Company,
In amendment of and in addition to Act of Incorporation, 93.
- Northern Bank,
Act of Incorporation amended, 129.
- Northumberland,
Alms House and Work House in—To provide for erection of, 116.
- Notes and Choses in Action,
To amend Acts relating to, 59.
- Orphan Institution,
Wiggins Male—Governors of, incorporated, 19.
- Oromocto River Driving Company,
Incorporated, 197.

- Pedlars,**
Non-resident—To prevent travelling, &c. without licence, 62.
- People's Bank,**
Act of Incorporation amended, 80.
- Petroleum and other Oils,**
To provide for Inspection of, 63.
- Polling Places,**
Carleton County—Additional established in, 49.
Carleton, County of Kent—Additional established in, 49.
Grand Falls, Victoria—Additional established in, 48.
Lepreaux, Charlotte—Changed, 49.
- Portland, Saint John,**
Taxes and small debts in—Relating to collection of, 60.
- Provincial Exhibition,**
Assessment for, authorized upon Saint John, 95.
- Railway Companies,**
Albert—To amend Act of Incorporation, 192.
European and North American, for extension westward—Corporation of Saint John authorized to take additional shares in, 66.
Fredericton,
City Council of Fredericton authorized to contract a Loan in aid of, 143.
County Council of York Municipality authorized to aid, 147.
Relating to, 141.
Houlton Branch, incorporated, 120.
Saint Stephen Branch,
Act of Incorporation amended, 47.
In addition to Act in addition to Act of Incorporation, 58.
Woodstock,
Authorized to recall and cancel certain Debentures and issue new Debentures, 45.
In addition to Act in amendment of Act of Incorporation, 46.
- Railways,**
Further to facilitate the construction of, 41.
In addition to and amendment of Act in aid of construction of, 42.
To facilitate construction of certain, 16.
- Receiver General,**
Relating to the office of, 15.
- Revenue,**
To amend the Law imposing Duties for raising, 9.
Act in addition thereto, 40.
Relating to the Export Duty on Lumber, 10.
- Richibucto Boom Company,**
Incorporated, 201.
- River Driving Companies,**
Maduxnikik—Incorporated, 194.
Oromocto—Incorporated, 197.

- Roads, Great,
 Relating to, 44.
- Roads and Bridges,
 Repair of, 12.
- Saint Andrews,
 Deep Sea Wharf and Railway Company, incorporated, 151.
 Poor House at—To provide for making rules and regulations for
 management of, 133.
 Public Burial Grounds at—Relating to, 208.
- Saint David,
 Town Hall in—To provide for erecting, 191.
- Saint John,
 Alms House—Further to amend Acts relating to, with respect to
 Vagrants and Beggars, 97.
 Bridge Bonds—Relating to, 183.
 Carleton—To enable Corporation to improve Streets at, 179.
 City Hall—To amend Act to provide for erection of, 178.
 Corporation authorized to take additional shares in the European
 and North American Railway for extension westward, 66.
 Country Market—Corporation authorized to purchase lands to the
 northward of, 95.
 Cross Street—To amend Law relating to widening of, 134.
 Ferries in Harbour—In addition to Act to enable Corporation to
 improve, 133.
 General Public Hospital—Further amending Act relating to, 59.
 Indian Town—In addition to Act to provide for relief of sufferers
 by Fire at, 19.
 International Hotel Company, incorporated, 138.
 Mercantile Marine Assurance Company, incorporated, 69.
 Paved Sidewalks in City—Relating to, 181.
 Portland—To amend Law relating to collection of Taxes and small
 debts in, 60.
 Provincial Exhibition—To authorize Assessment upon City and
 County for, 95.
 Saint John Street—To amend Law relating to extension of, 98.
 Trades Co-operative Association, incorporated, 125.
- Saint Mary, County of Kent,
 Parish of, created from part of Wellington, 56.
- Saint Stephen,
 Bank—For further increase of capital stock of, 170.
 Branch Railroad Company,
 To amend Act incorporating, 47.
 In addition to Act in addition to Act of Incorporation, 58.
 Duty at Port of—To repeal Act relating to exemptions from, 43.
 Lower Highway District—For more effectually repairing Streets,
 &c. in, 114.
 Milltown—Relating to Firemen of, 192.

-
- Schools,
Grammar, Superior, and Common—Relating to, 51.
- Telegraph Companies,
British and American, in New Brunswick, incorporated, 89.
International—Incorporated, 186.
New Brunswick Electric—In amendment of and in addition to
Act of Incorporation, 93.
Western, of New Brunswick, incorporated, 174.
- Trade Marks,
Relating to, 53.
- Trades Co-operative Association, Saint John,
Incorporated, 125.
- Trustee Acts,
Imperial, extending to this Province, 209.
- Victoria,
Polling place in—Additional established at Grand Falls, 48.
- Wellington, County of Kent,
New Parish of Saint Mary erected from, 56.
- Western Telegraph Company of New Brunswick,
Incorporated, 174.
- Wiggins Male Orphan Institution,
Governors of, incorporated, 19.
- Woodstock,
Bank—To amend Act incorporating, 47.
Bridge Company, incorporated, 81.
Railway Company,
Authorized to recall and cancel certain Debentures, and issue
others, 45.
In addition to and in amendment of Act incorporating, 46.
Upper Road District—To revive and continue Acts for repair of
Streets and Highways in, 132.
- York,
Municipality of—To authorize County Council to aid the Frederic-
ton Railway, 147.
-