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ACTS

1739

McGill

OF

THE GENERAL ASSEMBLY

OF

His Majesty's

PROVINCE OF NEW BRUNSWICK,

PASSED IN THE YEAR

1834.



FREDERICTON :

JOHN SIMPSON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

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ANNO REGNI
GULIELMI IV.
BRITANNIARUM REGIS QUARTO.

At the General Assembly of the Province of New Brunswick begun and holden at Fredericton, on the Seventh Day of February, *Anno Domini*, One thousand eight hundred and thirty one, in the First Year of the Reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith; and from thence continued, by several Prorogations, to the Third Day of February 1834, being the Fifth Session of the Tenth General Assembly convened in the said Province.

THE ACTS

OF THE

GENERAL ASSEMBLY, &c.



CAP. I.

An Act to continue and amend the *Act for raising a Revenue*, and for the Increase of the Revenue of the Province.

Passed 22d March 1834.

WHEREAS it is deemed expedient to continue and amend the Act for raising a Revenue, and to increase the Provincial Revenue by a small Ad-Valorem Duty on British Manufactures;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Third Year of His Majesty's Reign, intituled *An Act for raising a Revenue*, be and the same is hereby continued, and together with this Act declared to be in full Force until the First Day of April which will be in the Year One thousand eight hundred and thirty five, excepting so much of the same as is hereby repealed, altered and amended.

3 W. 4. C. 1, continued, except as hereby altered.

II. And be it enacted, That in Addition to the Rates

Duty imposed on British Manufactures.

Rates and Duties imposed in and by the hereinbefore recited Act, intituled *An Act for raising a Revenue*, there be and are hereby granted to the King's Most Excellent Majesty, His Heirs and Successors, for the Use of this Province, and towards the Support of the Government thereof, the following Rates and Duties ; (that is to say,) Upon all Articles of British Manufacture, imported into the Province, for every Hundred Pounds of the real Value thereof, the Sum of Two Pounds Ten Shillings, excepting, nevertheless, Mineral and other Salt, Coals, Fishing Nets, Hooks, Lines and Twines, Steel, Bolt, Square, Flat, Pig and Sheet Iron, Spikes and Sheathing Nails, Bolt and Sheet Copper, and Copper Spikes and Nails, Bar and Sheet Lead, Canvass, Cordage, Anchors, and all Tackle and Apparel for Ships or Vessels, Steam and Mill Machinery of all Kinds, Zinc, and all Articles imported expressly for the Whale and deep Sea Fisheries, and Loaf Sugar, which is otherwise charged with a Duty of One Penny a Pound by the Act to which this Act is an Amendment ; all which Rates and Duties shall be levied, collected, secured, recovered and received by the Treasurer of the Province, or any of his Deputies, as the Case may be, in the Manner pointed out, and by the Means and Powers of the Act to which this is an Amendment, intituled *An Act for raising a Revenue*, and notwithstanding any Duties which now are or may be imposed and collected at any of the Custom Houses in the Province, by the Means and Powers of any Act or Acts of the Imperial Parliament.

Exceptions.

To be collected under 3 W. 4. C. 1.

Duty on Whiskey to be One Shilling and Sixpence per Gallon.

III. And be it enacted, That only One Shilling and Sixpence per Gallon shall be levied, collected, secured and received by the Treasurer of the Province, or any Deputy Treasurer, upon Whiskey, instead of the Duty of Two Shillings and Sixpence per Gallon imposed in and by the First Section of the hereinbefore recited Act. III.

IV. And be it enacted, That all Articles saved or landed from any wrecked or stranded Ship or Vessel, shall be liable to the same Duties as they would be liable to if regularly imported, and shall be entitled to the same Drawbacks upon Exportation ; which Duties shall be levied, collected, secured and received, under the Provisions of the Act to which this Act is an Amendment, in like Manner as if the Articles liable to such Duties had been regularly imported ; and the same Drawbacks shall be allowed and paid upon the Exportation of the same, as would be allowed and paid if such Articles had been so regularly imported, upon all the Provisions of the said recited Act relating to Drawbacks being strictly complied with ; and all Bonds which may or have been given for securing Duties upon Goods landed from wrecked or stranded Vessels shall, and they are hereby declared to be, as valid, to all Intents and Purposes, as Bonds given for securing the Duties on Articles regularly imported.

Articles saved from Wrecks to be liable to Duty and entitled to Drawback.

V. And be it enacted, That in Addition to the Drawbacks allowed in and by the Sixth Section of the Act to which this Act is an Amendment, the following Drawbacks shall be allowed ; (to wit,) For every Gallon of Hollands, Geneva and Whiskey, One Shilling and Sixpence ; for every Pound of Loaf Sugar, One Penny ; for every Hundred Weight of dried Fruits, Five Shillings ; and upon British Manufactures, Two Pounds Ten Shillings, upon every Hundred Pounds of the real Value thereof, agreeably to the Value ascertained upon such Manufactures for charging them with Duties, at the Time of the Importation thereof : Provided always, that no less Quantity of the foregoing Articles shall be entitled to Drawback upon Exportation than is mentioned in the said Sixth Section of the said hereinbefore recited Act ; and provided also, that no less Amount of British Manufactures shall be entitled to

Drawbacks allowed on Hollands, Geneva and Whiskey, Loaf Sugar, dried Fruits, and British Manufactures.

Provided.

to Drawback than One Hundred Pounds on Articles mentioned in any One Report of such Articles exported.

Same Forms and Evidence required as for Drawbacks under 3. W. 4. C. 1.

VI. And be it enacted, That in order to obtain the Drawbacks allowed in and by the next preceding Section of this Act, the same Forms shall be observed, and the same Evidence required, in every Respect, as is required in and by the said hereinbefore recited Act for obtaining any of the Drawbacks therein allowed.

Deputy Treasurer at Woodstock may take Bonds for Duties exceeding Ten Pounds on One Importation.

VII. And be it enacted, That in Cases where the Duties upon Articles imported into Woodstock shall, upon any One Importation, exceed Ten Pounds, it shall and may be lawful for the Deputy Treasurer there, to take Bonds duly executed by the Owner or Consignee of such Articles, with One or more good and sufficient Surety or Sureties, for the Payment of the same in Two Months; which Bonds shall be taken in His Majesty's Name, and made payable to His Majesty, His Heirs and Successors, and conditioned for the Payment of the Amount of the said Duties, at the Times specified therein, to the said Deputy Treasurer who shall take the same, and may be recovered in the Manner pointed out, and by the Means and Powers of the Act to which this Act is an Amendment, for the Recovery of Bonds therein mentioned.

Assaulting or opposing Treasury Officers in the Exercise of their Office.

VIII. And be it enacted, That if any Person shall, by Force or Violence, assault, resist, oppose, molest, hinder or obstruct any Officer of the Treasury, in the Exercise of his Office, or any Person aiding such Person, shall upon Conviction before any Court of Record in this Province, be adjudged to pay a Fine not exceeding One hundred Pounds, nor less than Fifty Pounds; in the Discretion of the Court before whom such Person shall be tried; One half of which Fine, after deducting Costs, shall be paid to the Person prosecuting for the same, and the other Half into the Treasury for the Use of the Province.

Penalty.

CAP. II.

An Act to appropriate a Part of the Public Revenue to the Payment of the Ordinary Services of the Province.

Passed 22d March 1834.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province, for the Services hereinafter mentioned, the following Sums; (to wit,)

To the Chaplain of the Legislative Council in General Assembly, the sum of twenty-five pounds. Chaplains.

To the Chaplain of the House of Assembly, the sum of twenty-five pounds.

To the Clerk of the Legislative Council in General Assembly, the sum of two hundred pounds for the present Session. Clerks of the Council.

To the Clerk Assistant of the Legislative Council, the sum of twenty shillings *per diem*, during the present Session.

To the Clerk of the House of Assembly, the sum of two hundred pounds for the present Session. Clerks of the House of Assembly.

To the Clerk Assistant of the House of Assembly, the sum of twenty shillings *per diem*, during the present Session.

To the Sergeant at Arms attending the Legislative Council in General Assembly, the sum of twenty shillings *per diem*, during the present Session. Sergeants at Arms.

To the Sergeant at Arms attending the House of Assembly, the sum of twenty Shillings *per diem*, during the present Session.

To the Door Keepers attending the Legislative Council and Assembly, the sum of twelve shillings and six pence *per diem*, each, during the present Session. Door Keepers.

To the Messengers attending the Legislative Council and Assembly, the sum of ten shillings *per diem*, each, during the present Session. Messengers.

To

- Attorney General.** To His Majesty's Attorney General, for his services for the year one thousand eight hundred and thirty three, the sum of one hundred pounds.
- Solicitor General.** To His Majesty's Solicitor General, for his services for the year one thousand eight hundred and thirty three, the sum of fifty pounds.
- Clerk of the Crown, Supreme Court.** To the Clerk of the Crown in the Supreme Court, for his services for the year one thousand eight hundred and thirty three, the sum of one hundred pounds.
- Province Treasurer.** To the Honorable R. Simonds, Province Treasurer, the sum of six hundred pounds for his services, from the thirty first December one thousand eight hundred and thirty two to the thirty first of December one thousand eight hundred and thirty three.
- Speaker and Members of Assembly.** To the Speaker of the House of Assembly, the sum of one hundred and fifty pounds for the present Session, and to each and every Member of the House of Assembly, for defraying the Expenses of attendance in General Assembly, for each and every day's attendance, the sum of twenty shillings per day, such attendance to be certified by the Speaker; provided always, that no greater sum shall be allowed for the attendance of any Member for the present Session than fifty pounds; and for travelling charges of the Members, the sum of twenty shillings per day, allowing twenty miles for each day's travel, to be also certified by the Speaker, agreeably to a Law of the Province.
- Destruction of Bears.** To His Excellency the Lieutenant Governor, a sum not exceeding three hundred pounds, for the encouragement of the destruction of Bears, agreeably to a Law of the Province.
- Light Houses.** To the Keeper of the Light House on Partridge Island, the sum of one hundred pounds, for the year one thousand eight hundred and thirty four.
- To the Keeper of the Beacon Light in the Harbour of Saint John, the sum of one hundred pounds,

pounds, for the year one thousand eight hundred and thirty four. Light Houses,
Continued.

To the Commissioners of Light Houses in the Bay of Fundy, the following sums to pay for services in one thousand eight hundred and thirty four;

To the Keeper of the Light House on Campo Bello, the sum of one hundred and twenty pounds;

To the Keeper and his Assistant on the Gannet Rock Light House, the sum of one hundred and sixty five pounds ;

To the Keeper of Point Le Preau Light House, the sum of one hundred pounds ;

To the Keeper of the Light House on Machias Seal Island, the sum of one hundred and thirty pounds ;

For Contingent expenses of Gannet Rock and Point Le Preau Light Houses, the sum of four hundred pounds ;

For Contingent expenses of Campo Bello and Machias Seal Island Light Houses, the sum of five hundred pounds.

To the Commissioners of Light Houses at the entrance of the Harbour of Saint John, the sum of three hundred pounds for contingent expenses of one thousand eight hundred and thirty four.

To the Commissioners of Light Houses in the Bay of Fundy the sum of two hundred pounds to be applied by them towards the support of Cape Sable Seal Island Light House in one thousand eight hundred and thirty four : and also the sum of one hundred pounds in aid of supporting the Light House on Briar Island in the Province of Nova Scotia.

To His Excellency the Lieutenant Governor the following sums for Grammar Schools in this Province for the year one thousand eight hundred and thirty four : Grammar
Schools.

For the Grammar School in the County of Westmorland, the sum of one hundred pounds ;

Grammar
Schools. *Conti-
nued.*

For the Grammar School in the City of Saint John, the sum of one hundred and fifty pounds ;

For the Grammar School in King's County, the sum of one hundred pounds ;

For the Grammar School in the County of Kent, the sum of one hundred pounds ;

For the Grammar School in the County of Queens, the sum of one hundred pounds ;

For the Grammar School in the County of Charlotte, the sum of one hundred pounds ;

For the Grammar School in the County of Northumberland, the sum of one hundred pounds.

Parish Schools.

To His Excellency the Lieutenant Governor, a sum not exceeding five thousand pounds for the encouragement of Parish Schools, agreeably to a Law of the Province.

Madras School.

To the Governor and Trustees of the Madras School, the sum of four hundred pounds for the year one thousand eight hundred and thirty four, towards the support of that institution.

Adjutant General.

To the Adjutant General of the Militia Forces, the sum of seventy five pounds, for his services for the year one thousand eight hundred and thirty four.

Quarter Master General.

To the Quarter Master General of the Militia Forces, the sum of fifty pounds for taking care of the arms for the present year.

Apprehension of Deserters.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding one hundred pounds to be applied in rewarding persons for the apprehension of deserters from His Majesty's Land Forces within the Province : provided always, that no greater sum than five pounds be paid for the apprehension of any one deserter.

Adjutants and Sergeant Majors of Militia.

To His Excellency the Lieutenant Governor, a sum not exceeding four hundred and thirty five pounds to pay the Adjutants of Militia of the different Counties of this Province for the last year ; and a further sum not exceeding two hundred

dred and seventeen pounds ten shillings to pay the Sergeant Majors of Militia of this Province for the time being, who were actually employed for the same period ; provided that each Sergeant Major who shall appear by a certificate from his Commanding Officer to have faithfully performed his duty, shall receive a sum not exceeding seven pounds ten shillings.

To B. C. Chaloner, Gauger at Saint John, the sum of one hundred and ninety two pounds eighteen shillings and four pence, being the amount of his account for one thousand eight hundred and thirty three. B. C. Chaloner.

To D. W. Jack, Gauger at Saint Andrews, the sum of twenty one pounds six shillings and two pence, being the amount of his account for one thousand eight hundred and thirty three. D. W. Jack.

To Robert Watson, Gauger at Saint Stephens, the sum of four pounds and seven shillings, being the amount of his account for one thousand eight hundred and thirty three. Robert Watson.

To C. H. Jouett, Gauger at West Isles, the sum of nine pounds three shillings and six pence, being the amount of his account for one thousand eight hundred and thirty three. C. H. Jouett.

To George Henderson, Gauger at Miramichi, the sum of one pound fifteen shillings and six pence, being the amount of his account for one thousand eight hundred and thirty three. G. Henderson.

II. And be it enacted, That all the before mentioned Sums of Money shall be paid by the Treasurer out of the Monies in the Treasury, or as Payments may be made at the same, by Warrants of His Excellency the Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice and Consent of His Majesty's Council; for which Warrants no Fee or Deduction shall be demanded or taken from the Persons in whose Favor they may be issued. Money to be paid by the Treasurer by Warrant.

No fee to be charged.

CAP. III.

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

Passed 22d March 1834.

I. BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of this Province the following Sums ; (to wit,)

C. Leslie.

To Charles Leslie, a licensed School Master in the Parish of Saint Patrick, in the County of Charlotte, the sum of fifteen pounds for teaching a School in said Parish for the term of nine months, ending the twenty third day of June in the year one thousand eight hundred and thirty three.

Distressed Emigrants at Portland.

To the Justices of the Peace for the City and County of Saint John, the sum of eighty four pounds four shillings and ten pence to reimburse the Overseers of the Poor for the Parish of Portland for expenses actually incurred by them in relieving distressed Emigrants in that Parish ; to be taken from the Emigrant Fund.

Distressed Emigrants at Saint John.

To the Justices of the Peace of the City and County of Saint John, the sum of six hundred and seventy one pounds four shillings and nine pence, to reimburse the Overseers of the Poor of the City for expenses incurred in the support and relief of distressed Emigrants in the year one thousand eight hundred and thirty three, the same to be taken from the Emigrant Fund.

E. E. Gorman.

To Emily E. Gorman, the sum of ten pounds, for teaching a School one year in the Parish of Greenwich in King's County ending the first June last.

P. Flanagan.

To Patrick Flanagan, a licensed Teacher, the sum of forty pounds, for teaching a School in the Parish of Chatham for two years ending in February last.

To the Commissioners of the Poor for the Parish

Parish of Saint Andrews, the sum of one hundred and twenty three pounds and ten pence, to reimburse them for expenses for the support of sick and distressed Emigrants for the year one thousand eight hundred and thirty three; this sum to be taken out of the Emigrant Fund.

Distressed Emigrants at Saint Andrews.

To James Ross, the sum of fifty pounds, for teaching the Westmorland Grammar School six months ending in November in the year one thousand eight hundred and thirty one.

J. Ross.

To Thomas Addison, the sum of ten pounds, to compensate him for teaching a School at Sackville in the County of Westmorland for the space of six months ending March in the year one thousand eight hundred and thirty two.

T. Addison.

To Rachael Martin, a teacher in the City of Saint John, the sum of ten pounds for teaching a School in that City in the year one thousand eight hundred and thirty three.

R. Martin.

To William Abrams, Esquire, the sum of ninety six pounds ten shillings and two pence towards the erection of a Beacon on Point Escuminac at the entrance of the Port of Miramichi.

W. Abrams.

To Elizabeth Wetherall, the sum of ten pounds, as a compensation for keeping a School in the Parish of Wickham in Queen's County in the year one thousand eight hundred and thirty one.

E. Wetherall.

To James Miller, a licensed teacher in the Parish of Chatham, the sum of twenty pounds for teaching a School in that Parish from October one thousand eight hundred and thirty two to October one thousand eight hundred and thirty three.

J. Miller.

To Eber Sweet, of Saint Andrews, the sum of forty eight pounds being the amount of Drawback on twenty four Oxen shipped to Bermuda; which drawback he has not been able to receive by reason of not being able to procure the necessary certificate of the landing of the said Oxen at Bermuda, in consequence of the Shipwreck of the Vessel in which the said Oxen were exported, on her return to Saint Andrews.

E. Sweet.

To

E. Sweet.

To Eber Sweet, of Saint Andrews, the sum of one hundred and six pounds to enable him to pay his Bond to the Deputy Treasurer for that amount, all the conditions of the Laws relating to Drawbacks on the Stock for the duties on which the said Bond was given having as far as was possible been complied with.

Courier from
Newcastle to
Fredericton.

To His Excellency the Lieutenant Governor, the sum of fifty pounds to defray the expense of a Courier from Newcastle to Fredericton.

John Miller.

To John Miller, Esquire, Deputy Treasurer of the District of Bathurst, the sum of twenty pounds, to remunerate him for expenses incurred in seizing a quantity of Gin landed from the Brig Helen, wrecked at Miscoe Island in the said district, the same having been released on payment of duties.

F. McRae.

To Flora McRae, widow of the late Captain Alexander McRae, the sum of twenty pounds to assist her in her present distressed and destitute condition.

J. McLean.

To John McLean, a licensed teacher, the sum of twenty pounds for teaching a School in the Parish of Sussex, King's County, for one year ending in September one thousand eight hundred and thirty one.

J. Phelan.

To John Phelan, the sum of ten pounds for teaching a School for coloured children in the Parish of Kingsclear for one year.

Rector of Saint
John.

To the Rector of Saint John, the sum of ten pounds, for the purpose of giving instruction to the Black Children in the Parish of Portland.

E. Sweet.

To Eber Sweet, the sum of forty eight pounds, being the balance of a drawback which he ought to have received at the last Session, but which, by mistake with respect to the amount of drawback on exportation of Oxen, was not granted.

E. B. Chandler,
Grain Bounties.

To Edward B. Chandler, Clerk of the Peace in and for the County of Westmorland, the sum of twenty pounds and sixpence halfpenny, being amount

amount of certain Grain Bounty claims omitted in Schedule for the year one thousand eight hundred and thirty two.

To the Commissioners of Light Houses for the Bay of Fundy a sum not exceeding four hundred pounds, for the purpose of erecting a Buoy or Beacon on Quaco Ledges, the same to be taken from the Light House Fund. Beacon on Quaco Ledges.

To Mary E. Brown, the sum of ten pounds, for teaching a School in the Parish of Burton for one year, ending the fourth day of June one thousand eight hundred and thirty three. M. E. Brown.

To Simon Wilcox, one of the Commissioners for Bye Roads in the Parish of Sussex in King's County, the sum of eight pounds, for expenses incurred by him in defence of a prosecution instituted against him in that capacity, it appearing the defence was on the behalf of the public interest. S. Wilcox.

To George Hamilton, a licensed teacher, the sum of twenty pounds, for teaching a School in the Parish of Fredericton for one year ending the thirty first day of December in the year one thousand eight hundred and thirty three. G. Hamilton.

To William and T. Leavitt, and James Kirk, the sum of seven pounds one shilling and seven pence being drawback allowed on ten Hogsheads of Molasses and ten Barrels of wheat flour shipped by them on board the ship Mozambique as stores on a Whaling voyage to the South Seas. W. and T. Leavitt and J. Kirk.

To Amos Seaman, the sum of eleven pounds eleven shillings, being drawback on two Puncheons of Rum exported to Nova Scotia in the year one thousand eight hundred and thirty two. A. Seaman.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of fifty pounds, to defray the expense of a Missionary to the Mili-cete Tribe of Indians for the year one thousand eight hundred and thirty four. Indian Missionary.

To Robert C. Minnette, the sum of twelve pounds seven shillings and sixpence, being the amount R. C. Minnette.

amount of his Account for exploring and laying out a proper site for Hammond River Bridge.

H. G. Clopper. To Henry G. Clopper, Deputy Treasurer for York County, the sum of eight pounds fifteen shillings and eight pence being the amount of his commission on duties collected by him in the year one thousand eight hundred and thirty two under the Acts of Parliament and paid over to the Office of His Majesty's Customs.

Major Greaves. To Major Greaves, of His Majesty's Thirty fourth Regiment of Foot, the sum of forty one pounds five shillings to indemnify him for duties paid on Wines imported for the Mess of that Regiment.

C. Dayton. To Catharine Dayton, the sum of ten pounds for a School taught by her in Fredericton ending in January last.

E. Briscoe. To Elizabeth Briscoe, the sum of ten pounds for teaching a School in the Town of Saint Andrews for one year ending the thirty first day of November in the year one thousand eight hundred and thirty three.

T. Burnett. To Thomas Burnett, a licensed teacher, the sum of twenty pounds for teaching a School in the Parish of Norton, King's County, ending the twenty fifth day of October in the year one thousand eight hundred and thirty.

D. Micheau. To Daniel Micheau, a settler at the Grand Falls on the River Saint John, the sum of ten pounds, being a reappropriation of the same amount granted to the late Isaac Micheau father of the said Daniel, which said Isaac died without receiving the said Grant, and no Warrant therefor has consequently been issued.

J. Whitehead. To James Whitehead, a meritorious old Soldier who served in the Revolutionary war, the sum of ten pounds to aid him in his present distressed situation.

P. Henderson. To Patrick Henderson, the sum of sixty eight pounds seven shillings to relieve him from an

Extent

Extent now standing against him at the suit of His Majesty, as surety for one Charles Mills, for duties which it appears the said Patrick Henderson has been called upon to pay, in consequence of lenity having been extended by the Executive in the year one thousand eight hundred and twenty five to the principal, Charles Mills.

To Jane Danforth, a licensed Teacher in Carleton, in the City of Saint John, the sum of ten pounds, for her services within the year one thousand eight hundred and thirty three.

J. Danforth.

To Joseph Bouchette, Esquire, the sum of thirty pounds, for the copies of his maps and highly useful work on the British North American dominions.

J. Bouchette,
Esquire.

To the Commissioners for Buoys and Beacons in the County of Charlotte, the sum of forty six pounds twelve shillings and four pence, being a balance due them for erecting a Light House on Indian Point, at the entrance of Saint Andrews Harbour, the same to be taken from the Light House Fund.

Light House on
Indian Point.

To the Commissioners of Light Houses in the Bay of Fundy, the sum of fifteen pounds, to enable them to finish a Road to the Light House on the north east point of Campo Bello, the same to be taken from the Light House Fund.

Road to Light
House on N. E.
point of Campo
Bello.

To the Commissioners of Light Houses in the Bay of Fundy, the sum of fifteen pounds, to enable them to improve the Road leading to the Light House on Point Lepreau, the same to be taken from the Light House Fund.

Road to Light
House on Point
Lepreau.

To Beverly Robinson, Esquire, Deputy Treasurer at Saint Andrews, the sum of thirty two pounds thirteen shillings and nine pence, to reimburse him for expenses incurred in the prosecution of an action of Replevin against Captain Spearman, late Collector of His Majesty's Customs at Saint Andrews to recover two horses seized by the said B. Robinson, and taken out of

B. Robinson.

his

his custody by the said Captain Spearman, and for other expenses incurred in consequence of said seizure.

Magistrates of Charlotte, County Gaol. To the Magistrates of the County of Charlotte, the sum of one hundred and fifty pounds, to enable them to pay off the debt due for building the County Gaol.

W. Craig. To William Craig, the sum of ten pounds, for cutting the windfalls out of the Road across the Miramichi Portage, for the years one thousand eight hundred and thirty two, and one thousand eight hundred and thirty three.

Exploration of Road from Bathurst to the Kempt Road. To His Excellency the Lieutenant Governor, the sum of one hundred pounds, to explore a new and direct line of Road from Bathurst, to meet the line of Road from Canada, called the Kempt Road, and that no further sum will be granted for this purpose.

F. Esson. To Francis Esson, a licensed teacher, the sum of twenty pounds, for teaching a School in the Parish of Addington, in the County of Gloucester, in the year one thousand eight hundred and thirty one and the year one thousand eight hundred and thirty two.

P. Byrne. To Philip Byrne, a settler on the Great Road from Saint John to Saint Andrews, the sum of ten pounds, being for labour performed on the Road last winter, after violent Snow Storms, to keep open the communication; the same to be taken from the grant made to that Road.

Courier between Bathurst and Shippegan. To His Excellency the Lieutenant Governor, the sum of thirty pounds, in aid of individual subscription, to pay a Courier passing between Bathurst and Shippegan, in the County of Gloucester.

Courier between Hopewell and Bend of Pettico-diac. To His Excellency the Lieutenant Governor, the sum of thirty pounds, in aid of individual subscription, to pay a Courier passing between Hopewell and the Bend of Pettico-diac River, in the County of Westmorland.

To the Trustees and Directors of the Grammar School, in the County of Sunbury, the sum of thirty pounds, to enable them to pay Ezekiel Fitzgerald, for teaching a School six months. E. Fitzgerald.

To the Commissioners appointed for affording relief to Shipwrecked Mariners on Saint Paul's Island, one hundred and two pounds nine shillings and seven pence, being the balance of their account of expenditure for the year one thousand eight hundred and thirty three. Commissioners for relief of Mariners on Saint Paul's Island.

To James DeBourke, a licensed School Master, the sum of twenty pounds, for having taught School twelve months in the Parishes of Blissfield and Nelson, in the County of Northumberland, in the year one thousand eight hundred and thirty two. J. DeBourke.

To John Jordan, R. Payne and C. Parlee, Commissioners for exploring a new line of Road to Sussex Vale, *via* Loch Lomond, the sum of thirty two pounds ten shillings, being the expenses incurred by them in making such exploration. J. Jordan, R. Payne and C. Parlee.

To Francis Beverly, the sum of nine pounds two shillings and seven pence, for stitching and binding Law Reports, agreeably to his account. F. Beverly.

To John Simpson, King's Printer, the sum of two hundred pounds for printing the Daily Journals of the Legislative Council and Assembly during the present Session. J. Simpson.

To Matthew Brannen, of the Secretary's Office, the sum of fifteen pounds, as a mark of approbation of his attentive and courteous demeanor in the said Office. M. Brannen.

To His Excellency the Lieutenant Governor, the sum of three hundred and eighty eight pounds sixteen shillings and eleven pence, to reimburse His Excellency for an advance made from his private funds for the relief and support of the suffering inhabitants at Madawaska. Sufferers at Madawaska.

To John R. Partelow, the sum of fifty pounds seventeen shillings and eight pence, being an ex-

cess of duty paid on six thousand one hundred and six Gallons of Rum.

W. Taylor,
Repairs, Go-
vernment
House.

To William Taylor, the sum of three hundred and ninety pounds nine shillings and eleven pence, being amount of his account for repairs on Government House out buildings &c. in the year one thousand eight hundred and thirty three.

Provincial Con-
tingencies.

To His Excellency the Lieutenant Governor, the sum of one hundred pounds for the contingent expenses of the Province.

J. Simpson.

To John Simpson, the sum of one hundred and fifty pounds, towards the printing the Journals of the Legislative Council and Assembly the present Session.

To John Simpson, King's Printer, the sum of four hundred and twenty five pounds, on account of printing for the year one thousand eight hundred and thirty three, and any balance that may be due him on the adjustment of his accounts for the year one thousand eight hundred and thirty two.

Exploration of
Road from Saint
John to Sussex
Vale.

To His Excellency the Lieutenant Governor, the sum of twenty five pounds, for the purpose of completing the exploration of a new line of Road from Saint John to Sussex Vale, by way of Loch Lomond, agreeably to a resolution of the House on the twenty fifth of February last.

W. Watts.

To William Watts, the sum of ten pounds, for airing and taking care of part of the Province Hall.

Repairs of Brid-
ges on the Great
Roads.

To His Excellency the Lieutenant Governor, a sum not exceeding five hundred pounds to be expended in keeping up, or in the repair of, any Bridges on the Great Roads of communication, when deemed absolutely necessary to prevent inconvenience in travelling, and delaying the public Mails.

Inspecting Field
Officers.

To His Excellency the Lieutenant Governor, the sum of four hundred pounds, for the Inspecting Field Officers for the year one thousand eight hundred and thirty four.

To

To the Chairman of the Committee on public and private accounts, the sum of one hundred pounds for his services during the recess, in conformity with the directions of the House, and also for extra services during the Session in auditing, examining and reporting the same.

Chairman of
Committee of
Public and Pri-
vate Accounts.

To John C. Vail, the sum of six pounds and nine pence, being balance of his account as late Supervisor on the road from Saint John to the Nova Scotia line.

J. C. Vail.

To Alexander Goodfellow, James Davidson and Alexander M'Laggan, the sum of ninety eight pounds four shillings and five pence, being balance of their account for exploration in the year one thousand eight hundred and thirty three.

A. Goodfellow,
J. Davidson,
and A. McLag-
gan.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding five hundred pounds, to defray any expenses that may be incurred in the protection of the Revenue of this Province, in the year one thousand eight hundred and thirty four.

Protection of
Revenue.

To George Hayward, Esquire, late Supervisor on the Road from Fredericton to the Finger Board, the sum of seventy five pounds, to enable him to pay such persons as may be entitled to the damages sustained by an alteration of the Great Road at Estey's Creek, in the Parish of Mauderville, as awarded by the Jury, agreeably to Law.

G. Hayward,
Esquire.

To John Bainbridge and Henry Bliss, Esquires, such sum as will procure Bills of Exchange on England for one hundred pounds each, for their services as Provincial Agents for the year one thousand eight hundred and thirty three.

Provincial
Agents.

To the Hon. R. Simonds, Province Treasurer, the sum of one hundred and fifty pounds being for the services of a Tide Waiter, or Messenger to the Treasury, in the year one thousand eight hundred and thirty four.

Tide Waiter or
Messenger to
the Treasury.

To the Master in Chancery appointed to carry Messages between the Council and the House of Assembly

Master in Chan-
cery.

Assembly the present Session, the sum of forty pounds.

John Abrams.

To His Excellency the Lieutenant Governor or Commander in Chief, the sum of ninety one pounds five shillings, to enable the Treasurer to pay John Abrams for his services as Tide Waiter at Saint John for the year one thousand eight hundred and thirty four.

Tide Surveyor
at Miramichi.

To His Excellency the Lieutenant Governor, the sum of seventy five pounds for the service of a Tide Surveyor at Miramichi for the year one thousand eight hundred and thirty four.

James Reed.

To James Reed, Light House keeper on Partridge Island, the sum of fifty pounds, being an additional allowance for the year one thousand eight hundred and thirty three, in consequence of his being detained thereon during the year, by order of the Board of Health, by which he became subject to much loss in his daily occupation ; the same to be taken from the Light House Fund.

President and
Directors of the
Fire Insurance
Company.

To the President and Directors of the Fire Insurance Company, the sum of six hundred pounds, being one year's interest on the Provincial loan from them, ending the first day of March in the year one thousand eight hundred and thirty four.

D. W. Jack.

To D. W. Jack, Tide Surveyor for Saint Andrews, the sum of one hundred and fifty pounds, being for his services for one year from the first day of April in the year one thousand eight hundred and thirty three to the first day of April in the year one thousand eight hundred and thirty four.

J. Gregory.

To John Gregory, Clerk Assistant to the Legislative Council, for preparing an extra copy of the Acts passed at the last Session of the General Assembly, and published for the use of the Magistrates in the Province, the sum of ten pounds.

B. C. Chaloner.

To B. C. Chaloner, Tide Surveyor at Saint John,

John, the sum of fifty pounds, being for his services from the first day of May in the year one thousand eight hundred and thirty three to the first day of May in the year one thousand eight hundred and thirty four.

To the Honorable R. Simonds, Province Treasurer, the sum of one hundred and fifty pounds, being for the services of a Clerk for the year one thousand eight hundred and thirty three.

Hon. R. Simonds.

To Alexander Wedderburn, Esquire, the sum of forty two pounds five shillings and three pence, for expenses incurred for Emigrants in the year one thousand eight hundred and thirty three, to be taken from the Emigrant Fund: this grant not to be drawn into precedent in future.

A. Wedderburn, Esquire.

To His Excellency the Lieutenant Governor, the sum of one hundred pounds; to enable His Excellency to extend further relief to the unfortunate sufferers at Madawaska.

Sufferers at Madawaska.

To Isaac and I. G. Woodward, the sum of twenty five pounds fourteen shillings and sixpence, being for excess of duties paid on Sugar in the year one thousand eight hundred and twenty seven, in consequence of the long Duty having been paid thereon, although the article was purchased with the produce of the Province but not imported in the same vessel which carried out the outward Cargo on account of her destination being changed; also the sum of thirteen pounds eight shillings and six pence, being drawback on one hundred and seventy nine gallons of Wine on which the duties were paid, exported to Quebec in the same year, the Revenue Law not having made provision for such Drawback.

Isaac and I. G. Woodward.

To Doctor John Boyd, Surgeon to the Vaccine Institution at the Central Board in the City of Saint John for the year one thousand eight hundred and thirty three, the sum of twenty pounds.

Dr. John Boyd.

To Margaret Watson, Widow of the late John Watson,

M. Watson.

Watson, the sum of ten pounds as a remuneration in part for the great expense she has been put to in ferrying the Post Man with His Majesty's Mail over the Washademoac, being a wide and dangerous Ferry.

H. Hannah.

To Harriet Hannah, the widow of Robert Hannah, the sum of twenty pounds, as a testimonial of respect entertained by this House towards her deceased husband, he having been for many years a Door keeper of the House of Assembly ; this not being a precedent for any further grant.

Commissioners of the Alms House and Work House, in County of York.

To His Excellency the Lieutenant Governor or Commander in Chief, a sum not exceeding twenty five pounds for the purpose of remunerating the Commissioners of the Alms House and Work House for the County of York for expenses incurred in supporting the families of distressed Emigrants ; this sum to be taken from the Emigrant Fund.

D. B. Roberts.

To Daniel B. Roberts, the sum of ten pounds for teaching a school in the Parish of West Isles, in the County of Charlotte, for six months ending on the thirty first day of December in the year one thousand eight hundred and thirty three.

R. Brockway.

To Reuben Brockway, a settler on the Great Road from Fredericton to Saint Andrews, whose Barn was destroyed by fire, the sum of twenty five pounds, to enable him to continue his present establishment on said Road.

G. Anderson.

To His Excellency the Lieutenant Governor, the sum of one hundred and thirty pounds, to pay George Anderson, Supervisor of the road from Saint John to Saint Andrews, for the reparation of Digdeguash Bridge in the year one thousand eight hundred and thirty three.

Purchase of Seed Grain, and Potatoes, for the relief of the

To His Excellency the Lieutenant Governor for the relief of the inhabitants of the different Counties as follows : For the County of York, the

the sum of one hundred pounds ; For the County of Carleton, the sum of one hundred and sixty one pounds three shillings and one penny ; For the County of Northumberland, the sum of two hundred pounds ; For the County of Gloucester, the sum of two hundred pounds ; For the County of Kent, the sum of one hundred and fifty pounds ; For the County of Westmorland, the sum of two hundred pounds, of which seventy five pounds are to be appropriated to the relief of the Inhabitants in the Emigrant Settlement in the Parish of Botsford ; For King's County, the sum of two hundred pounds ; For the County of Queen's the sum of two hundred pounds ; For the County of Sunbury, the sum of one hundred and twenty pounds ; For the County of Saint John, the sum of eighty pounds, of which fifty nine pounds are to be paid the Overseers of the Poor for the Parish of Portland, for expenses incurred for Black Refugees, and twenty one pounds to be applied to the purchase of seed grain and potatoes for the Black Refugees at Loch Lomond : said sums to be expended by and under the directions and orders of the Justices of the Peace in the several Counties, made at any General or Special Sessions, in the purchase of seed grain and potatoes, during the ensuing season, for the supply of such Inhabitants in their respective Counties as may stand in absolute need thereof, and in such proportions and quantities as such Justices or any Committee by them appointed for the purpose may judge proper, taking from such person so supplied a receipt in writing for the amount in value of such articles, with a promise to pay the same to the Province Treasurer ; which receipt may afterwards be cancelled to the amount which such person may, by the certificate of any Supervisor of Great Roads or Commissioner of Bye Roads, appear to have worked on the Roads under such Supervisor or Commissioner.

Inhabitants of
the Counties.

Hon. R. Simonds, Treasury Contingencies.

To the Honorable R. Simonds, Province Treasurer, for Office contingencies for the year one thousand eight hundred and thirty three, the sum of one hundred and twenty two pounds five shillings and seven pence.

G. Hayward, Esquire.

To George Hayward, Esquire, late Supervisor on the Road from Fredericton to Saint John, *via* Nerepis, the sum of one hundred and eighty seven pounds two shillings and two pence being balance of his Account, as established per report of Committee on accounts last Session.

Contingencies of Legislature.

To the Clerk of the House of Assembly, the sum of seven hundred and twenty five pounds fourteen shillings and two pence, for the contingencies of the present Session.

Money to be paid by the Treasurer by Warrant.

II. And be it further enacted, That all the before mentioned sums of money shall be paid by the Treasurer out of the monies in the Treasury, or as payments may be made at the same, by Warrant of His Excellency the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council ; for which Warrants no fee or deduction shall be demanded or taken from the persons in whose favour they may be issued.

No Fee to be asked.

CAP. IV.

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

Passed 22d March 1834.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That there be allowed and paid out of the Treasury of the Province, to such persons as His Excellency the Lieutenant Governor or Commander in Chief for the time being shall appoint, in addition to the sums already granted, the following sums for the purposes herein after mentioned : The

The sum of five hundred pounds, granted at the last Session of the Legislature to be applied in aid of individual subscription towards the erection of a Bridge over Cocagne river, be reappropriated and expended on the Roads and Bridges between Shediac and Richibucto; forty pounds fifteen shillings and sixpence of this sum be paid by Dudley Perley, Esquire, the present Supervisor, also the further sum of two pounds ten shillings, being interest of the said sum, to John W. Weldon, the late Supervisor on this road, it being the balance due him on his accounts of expenditure on that road, as audited at the last Session.

Grant for Bridge over Cocagne River, to be expended between Shediac and Richibucto.

D. Pérley, Esquire.

J. W. Weldon, Esquire.

The sum of two hundred and fifty pounds for the improvement of the Great Road from Saint John to the Nova Scotia line; fifty pounds of said sum to be expended between the Marsh in Saint John and Hammond river; seventy five pounds of said sum to be expended between Hammond river and Hayward's Mills, the remainder between Hayward's Mills and the Nova Scotia line.

Saint John to the Nova Scotia line.

The sum of twenty five pounds for the road on the Great Marsh in Saint John.

Great Marsh, Saint John.

The sum of twenty five pounds, for the Great Road from Saint John to Belisle, to be expended between Andrew Henigar's and the head of Belisle.

Saint John to Belisle.

The sum of fifty pounds for the Great Road from Shediac to Richibucto.

Shediac to Richibucto.

The sum of three hundred pounds for the road from Richibucto to Chatham.

Richibucto to Chatham.

The sum of twenty five pounds for the Dorchester Great Marsh, to be expended upon Bridges on the same line if deemed absolutely necessary by the Supervisor.

Dorchester Great Marsh.

The sum of two hundred pounds for the Great Road from Fredericton to Newcastle.

Fredericton to Newcastle.

The sum of two hundred and twenty five pounds

Newcastle to Restigouche.

pounds for the Great Road between Newcastle and Restigouche ; one half of said sum to be expended between Forein's and Newcastle ; forty pounds of the residue to be expended in finishing the Bridge over the confluence of the Middle and Little Rivers, and the approaches thereto.

Fredericton to the Finger Board. The sum of seventy five pounds for the Great Road from Fredericton to the Finger Board.

Fredericton to Saint John, via Nerepis. The sum of one hundred and fifty pounds for the Great Road from Fredericton to Saint John, via Nerepis.

Saint John to Saint Andrews. The sum of two hundred and twelve pounds ten shillings, for the Great Road from Saint John to Saint Andrews.

Fredericton to the Canada line. The sum of two hundred pounds for the Great Road from Fredericton to the Canada line.

Hammond River to Hopewell. The sum of twenty five pounds for the Road from Hammond River to Hopewell.

Nerepis Road to the Oromocto. The sum of twenty five pounds for the road from the Nerepis road to the Oromocto, by the back Creek Settlement and Douglas Valley.

Gagetown to the Nerepis. The sum of twenty five pounds for the road from Gagetown to the Nerepis.

Fredericton Saint Andrews. The sum of thirty pounds for the Great Road from Fredericton to Saint Andrews, to be expended between Fredericton and the Hanwell Settlement.

Shediac to Dorchester. The sum of thirty seven pounds ten shillings for the Great Road from Shediac to Dorchester.

Shediac to the Bend. The sum of thirty seven pounds ten shillings for the Great Road from Shediac to the Bend.

Fredericton to Saint Andrews. The sum of thirty pounds for the Great Road from Fredericton to Saint Andrews, to be expended from Connick's to Whittier's Ridge.

Monies to be paid to Persons working or furnishing Materials. II. And be it enacted, That the said several and respective Sums of Money, and every Part thereof, shall be paid to the several and respective Persons who shall actually work and labour in making, completing and repairing the said several Roads and Bridges, or in furnishing Materials

rials therefor, at the most reasonable Rates that such Labour and Materials can be provided ; and the several and respective Persons who shall be intrusted with the Expenditure of the said several and respective Sums, shall give due Notice, by public Auction, excepting where the Situation of the Roads, are such, that, in the Opinion of the Supervisor or Commissioner, it would be advisable that the Work should be done by the Day, in such Case they are hereby authorized to expend One Quarter Part of the several Sums so intrusted to them by Days' Work ; and the said Supervisor or Commissioner shall keep an exact Account of the Expenditure thereof, and shall produce Receipts in Writing from the several and respective Persons to whom any Part of the said Money shall be paid, as Vouchers for such Payments, and render an Account thereof upon Oath (which Oath any Justice of the Peace in the several and respective Counties, is hereby authorized to administer), to be transmitted to the Secretary's Office, to be laid before the General Assembly at the next Session ; and such Persons intrusted with the Expenditure of the several and respective Sums of Money shall stand charged and chargeable with all Sums intrusted to them, and not accounted for as aforesaid, and shall repay the same into the Province Treasury.

Duty of Commissioners with respect to Sums intrusted to them.

III. And be it enacted, That all the before mentioned Sums of Money shall be paid by the Treasurer, out of the Monies in the Treasury, or as payment may be made at the same, by Warrants of His Excellency the Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice and Consent of His Majesty's Council ; for which Warrants, no Fee or Deduction shall be demanded or taken from the Persons in whose Favour they may be issued.

Monies to be paid by the Treasurer by Warrants.

IV. And be it enacted, That the said Commissioners or Person intrusted with the Expenditure of

No Fee to be charged.

Compensation
to Commission-
ers.

of the said several and respective Sums of Mo-
ney, shall for their Time and Trouble be allowed
to retain at and after the rate of *Five per Centum*,
out of the said Sums so intrusted to them res-
pectively, together with a reasonable Compensation
for actual Work and Labour performed by
them on the said several Roads and Bridges.

CAP. V.

An Act to authorize the Justices of the Peace in the County of Kent,
to levy an Assessment upon the Inhabitants of the said County, to
discharge the Debts due from the same.

Passed 22d March 1834.

Preamble.

‘ **WHEREAS** the Justices of the Peace of
‘ the County of Kent have heretofore levied the
‘ whole Sum which they were empowered to raise
‘ by Assessment: And Whereas the same has been
‘ found insufficient to discharge the Debts due
‘ from the said County;’

Justices autho-
rized to make
an Assessment
not exceeding
Three Hundred
Pounds, to pay
off Debts.

Be it therefore enacted by the Lieutenant Go-
vernor, Council and Assembly, That the said Jus-
tices of the Peace for the said County of Kent, at
any General Sessions of the Peace hereafter to
be holden, or any Special Sessions of the Peace
to be for that Purpose convened, be and they are
hereby authorized and empowered to make such
further Rate and Assessment, not exceeding
Three hundred Pounds, as they in their Discre-
tion may think necessary for the paying off the
Debts due from the said County, in such Parts
and at such Times as the said Justices or the
major Part of them then and there assembled
may think necessary for the Purpose of paying off
the Debt now due, or to become due; the said
Sum or Sums to be assessed, levied, collected
and paid under and by virtue of any Act or Acts
which are now or hereafter may be in Force in
this Province for assessing, levying and collect-
ing of Rates for Public Charges.

To be collected
&c. as other
Rates.

CAP.

CAP. VI.

An Act to provide for the establishing and maintaining of Booms for securing Masts, Logs and Lumber in the County of Gloucester.

Passed 22d March 1834.

WHEREAS it has been found necessary to erect Booms in the several Rivers in the County of Gloucester, for the Purpose of securing such Timber as may be hauled out and thrown into the same respectively, until it can be conveniently rafted by the respective Owners : And Whereas it is expedient that proper Regulations should be established to insure the safe Delivery of the same to the Owners ;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for His Majesty's Justices of the Peace for the said County of Gloucester, in their General Sessions, or any Special Sessions to be for that Purpose holden, to make and establish such Rules and Regulations as to them may appear necessary respecting such Booms as have been erected or may hereafter be erected on any of the Rivers in the said County of Gloucester, and to appoint Boom Masters from Time to Time, and to fix their Fees for erecting and attending to such Booms, and superintending the safe Delivery of the Lumber passing through the same : Provided always, that no Special Sessions for the said Purpose shall be held unless Five Justices shall be present.

Justices in Session authorized to regulate Booms, appoint Boom Masters and fix their Fees.

Proviso.

II. And be it enacted, That any Person or Persons who shall violate any of the Rules so to be made as aforesaid, shall forfeit and pay a Sum not exceeding Five Pounds, with Costs, for each and every Offence, to be recovered on Conviction thereof, by the Oath of One or more credible Witness or Witnesses, before any One of His Majesty's Justices of the Peace for the said County

Violating Rules.

Penalty.

Recovery.

County

County of Gloucester, to be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to such Offender; and for Want of sufficient Goods and Chattels whereon to levy, the said Justice is hereby authorized and required to commit such Offender to the common Gaol of the said County, or if the said Offence be committed on the Restigouche River, to either of the Lock-up-Houses situate at Campbelltown or Dalhousie, there to remain for a Term not less than Twenty four Hours, and not exceeding Twenty Days.

Application of Penalties.

III. And be it enacted, That One Half of every Penalty which may be recovered for the Breach of any Rule or Regulation to be made by virtue of this Act, shall be paid to the Person or Persons who shall prosecute for the same, and the other Half thereof shall be paid to the Overseers of the Poor of the Town or Parish where such Offence had been committed, to be applied to the Use of the Poor of such Town or Parish.

No Boom to be erected operating to the Injury of any Trade.

IV. And be it enacted, That it shall not be lawful for the said Justices to grant Permission for the Erection of any Boom or Booms, which may operate to the Injury of any Trade or Business carried on in any of the said Rivers, or of Private Rights.

CAP. VII.

4 G. 4. C. 21.

An Act to continue an Act, intituled *An Act for the Regulation of Booms for securing Masts, Logs and Lumber in certain Parts of the County of Northumberland.*

Passed 22d March 1834.

4 G. 4. C. 21,
Continued.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Regulation of Booms for securing Masts,*

Masts, Logs and Lumber in certain Parts of the County of Northumberland, be and the same is hereby continued, and declared to be in full Force until the First Day of May which will be in the Year of our Lord One thousand eight hundred and thirty nine.

CAP. VIII.

An Act to explain the Act for preventing the Importation and Spreading of infectious Distempers in the City of Saint John.

Passed 22d March 1834.

WHEREAS Doubts have arisen whether
 the Second, Third, Fourth and Fifth Sections
 of an Act made and passed in the Third Year of
 His present Majesty's Reign, intituled *An Act*
to prevent the Importation and Spreading of
Infectious Distempers in the City of Saint John,
 are applicable to the Cases of Vessels arriving
 in or near the Harbour of Saint John, or in the
 Bay of Fundy, at any other Period of the Year
 than between the First Day of May and the First
 Day of November in every Year ;

Preamble.

3. W. 4. C. 21.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Prohibitions, Restrictions, Directions, Penalties, and Inflictions in the said Sections contained, shall and are hereby declared to be applicable to all Cases of Vessels arriving in or near the Harbour of Saint John, or in the Bay of Fundy, during any Part of the Year, having on board the Small Pox, Yellow Fever, or other Pestilential or Contagious Distemper, or coming from any Port or Place infected with any such Distempers, or at or near which any such Distempers, at the Time of their Departure, were known or supposed to prevail, or on board of which said Vessels any Person or Persons, during the Voyage, had been sick or had died of any such Distempers.

3. W. 4. C. 21,
 S. 2. 3 4 and 5,
 extended to
 herein described
 Vessels arriving
 at Saint John,
 or in the Bay of
 Fundy during
 any Part of the
 Year.

CAP.

CAP. IX.

An Act to protect the Gaspereau Fishery in the Harbour and River of Miramichi in the County of Northumberland.

Passed 22d March 1834.

Preamble.

‘**W**HEREAS the Gaspereaux Fisheries in the Harbour and River of Miramichi, are likely to become seriously injured, in consequence of the Catch being continued to too late a Period in the Season;’

No Gaspereaux to be taken after Twenty fifth June.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act no Gaspereaux shall be taken in the Bay, Harbour, or River of Miramichi, or its Branches, within the said County, after the Twenty fifth Day of June in each and every Year, under the Penalty of Ten Pounds for each and every Offence against the Provisions of this Act, to be recovered and applied in the same Manner as the Penalties are directed to be recovered under any of the Laws now in Force for the Protection of the Fisheries in this Province.

Penalty.

No Gaspereaux to be applied as Manure.

II. And be it further enacted by the Authority aforesaid, That no Gaspereaux caught in the River Miramichi or any of its Branches shall be applied for the Purposes of Manure, under the Penalty of Forty Shillings for each and every Offence, to be recovered and applied in like Manner as the Penalties in the First Section of this Act are directed to be recovered and applied.

Penalty.

CAP. X.

An Act to continue an Act passed in the Second Year of His Majesty's Reign, intituled *An Act to empower the Owners of the Saw Mill at the Rolling Dam on the River Digdeguash, in the County of Charlotte, to erect a Boom for the securing of Saw Logs on the said River.* 2 W. 4. C. 5.

Passed 22d March 1834.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Second Year of the Reign of His present Majesty, intituled *An Act to empower the Owners of the Saw Mill at the Rolling Dam on the River Digdeguash, in the County of Charlotte, to erect a Boom for the securing of Saw Logs on the said River,* be and the same is hereby continued, and declared to be in Force, until the First Day of February which will be in the Year of our Lord One thousand eight hundred and forty. 2 W. 4. C. 5, Continued.

CAP. XI.

An Act to continue an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to repeal all the Laws now in Force for the Appointment of Firewards, and for the better extinguishing of Fires in the Town of Saint Andrews, and to make Regulations more suitable to the said Town, and for other Purposes therein mentioned.* 9 G. 4. C. 28.

Passed 22d March 1834.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to repeal all the Laws now in Force for the Appointment of Firewards, and for the better extinguishing of Fires in the Town of Saint Andrews, and to make Regulations more suitable to the said Town, and for other Purposes therein mentioned,* be and the same is hereby continued to be in full Force for Six Years. 9 G. 4. C. 28, Continued.

CAP. XII.

9 and 10 G. 4. An Act to revive an Act, intituled *An Act to prevent Pedlars travelling and selling within this Province without Licence.*
C. 27.

Passed 22d March 1834.

9 and 10 G. 4.
C. 27, revived,
and declared in
Force until
April 1839.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the Ninth and Tenth Year of the Reign of His late Majesty George the Fourth, intituled *An Act to prevent Pedlars travelling and selling within this Province without Licence*, be and the same is hereby revived and declared to be in Force until the First Day of April which will be in the Year One thousand eight hundred and thirty nine.

CAP. XIII.

An Act to provide for the Punishment of Cruelty to Animals.

Passed 22d March 1834.

Preamble.

‘ **WHEREAS** it is expedient to prevent the
‘ cruel and improper Treatment of Horses,
‘ Mares, Geldings, Mules, Asses, Bulls, Cows,
‘ Heifers, Steers, Oxen, Sheep, and other Cat-
‘ tle ;’

Justices may
issue Warrant
or Summons a-
gainst Persons
complained of
for ill treating
any Horse &c.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any Person or Persons shall wantonly and cruelly beat, abuse, or ill-treat any Horse, Mare, Gelding, Ass, Bull, Cow, Heifer, Steer, Ox, Sheep, or other Cattle, and Complaint thereof on Oath be made to any One of His Majesty’s Justices of the Peace within whose Jurisdiction such Offence shall be committed, it shall and may be lawful for such Justice of the Peace to issue his Summons or Warrant, at his Discretion, to bring the Party or Parties so complained of before him, or any other Justice of the Peace having Jurisdiction
tion

tion within the County, City or Place where the said Offence shall have been committed, who shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence ; which Oath the said Justice is hereby authorized and required to administer ; and if the said Party or Parties so accused shall be convicted of any such Offence, either by his, her or their own Confession, or upon such Evidence as aforesaid, he, she or they so convicted shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings, at the Discretion of the said Justice, to be paid over to the Overseers of the Poor of the Town or Parish where such Offence shall have been committed, for the Use of the Poor thereof ; and if such Fine, together with the Costs, if ordered, shall not be paid either immediately after Conviction or within such Time as the said Justice shall, at the Time of the said Conviction, appoint, it shall be lawful for the said Justice to commit the said Offender to the Common Gaol of the County wherein such Offence had been committed, or to the next legally established Lock-up-House, there to be kept, without Bail or Mainprize, for a Space of Time not exceeding Twenty Days, unless such Fine and Costs shall be sooner paid ; provided always, that if any Person or Persons brought up before any Justice of the Peace under the Provisions of this Act, shall elect to have the said Complaint tried at the next General Sessions of the Peace, or Court of Oyer and Terminer and General Gaol delivery, to be holden in the County in which such Offence shall have been committed, and shall make his, her or their Desire known to the said Justice of the Peace, and shall at the same Time tender Two good and sufficient Sureties for his, her or their Appearance at the said General Session of the Peace or Court of Oyer and Terminer and General Gaol Delivery, then and

Penalty on Conviction.

Application.

Trial may be had before the General Session or Court of Oyer and Terminer, on the Party entering into Recognizance.

and in such Case the said Justice of the Peace shall receive the Recognizance of such Party or Parties, with his, her or their said Sureties, in such Sum as the said Justice of the Peace in his Discretion shall think proper, not exceeding Twenty Pounds, conditioned for the Appearance of the said Party or Parties at the next General Sessions, or Court of Oyer and Terminer and General Gaol Delivery of the said County, as the Case may be, to answer to the said Complaint, and abide by the Judgment of the Court, in Case the Jury shall convict the said Party or Parties ; and provided also, that if the said Justice of the Peace, on examining into the said Complaint, when the Party or Parties accused shall be brought before him, shall be of Opinion that the Offence so complained of is of an aggravated Nature and requires to be publicly exposed as an Example to all others in like Manner offending, it shall and may be lawful for such Justice of the Peace to bind the Party or Parties so accused, with a Surety or Sureties, if he shall think them necessary, in such Sum, not exceeding Forty Pounds, as he shall think fit, to appear at the next Court of General Sessions of the Peace, or Court of Oyer and Terminer, to be holden in the County in which the said Offence shall have been committed, then and there to be dealt with according to Law.

In aggravated Cases the Justice may bind the Party to appear at the next General Sessions or Court of Oyer and Terminer.

Offence when brought before the General Sessions to be deemed a Misdemeanor.

II. And be it enacted, That the said Offence when brought before any of the Courts of General Sessions of the Peace in this Province, or the Courts of Oyer and Terminer and General Gaol Delivery respectively, shall be deemed and taken to be a Misdemeanor, and punishable as such by Fine or Imprisonment.

Prosecution to be commenced within Ten Days.

III. And be it enacted, That no Person shall suffer any Punishment, or pay any Fine for any Offence committed against the Provisions of this Act, unless the Prosecution for the same be commenced within Ten Days after the Offence shall have been committed.

IV.

IV. And be it enacted, That no Order or Conviction, or other Proceedings to be made or had by or before any Justice of the Peace, by virtue of this Act, shall be quashed, or vacated, for Want of Form ; and that the Order of such Justice shall be final ; and that no Proceedings of any such Justice, in pursuance of this Act, shall be removable into the Supreme Court by Certiorari or otherwise.

No Proceedings before a Justice to be quashed for Want of Form, or removable into the Supreme Court.

V. And be it enacted, That if any Action or Suit shall be brought against any Person or Persons for malicious Proceedings under or by Colour of this Act, the same shall be a special Action on the Case, and shall be commenced within Six Calendar Months next after every such Cause of Action shall have accrued, and not afterwards, and the Venue shall be laid in the County, City or Place in which the said Offence had been committed, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the general Issue, and give this Act and the special Matter in Evidence at any Trial or Trials to be had thereon, and that the same was done in Pursuance and by the Authority of this Act ; and if the same shall appear to have been so done, or if the said Action or Suit shall not be commenced within the Time before limited, or shall be laid in any Place other than where the said Offence had been committed, then and in such Case the Jury or Juries shall find for the Defendant or Defendants ; or if the Plaintiff or Plaintiffs shall become nonsuit or shall discontinue his or their Action or Actions, or if Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid, such Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her or their Costs in any other Cases by Law.

Actions for malicious Proceedings under this Act to be special.

Venue.

General Issue.

Double Costs.

Limitation.

VI. And be it enacted, That 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 thirty six and no longer.

CAP. XIV.

An Act for taking an Account of the Population of this Province.

Passed 22d March 1834.

Preamble.

‘**WHEREAS** it is considered expedient to take an Account of the total Number of Persons within this Province;’

Justices to appoint fit Persons in each Parish, to take an Account of the Population.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace in the several Counties in this Province, shall and may and they are hereby required, at their First General Sessions to be holden after the Receipt of this Act by the Clerk of the Peace for the County as hereinafter provided, or at any Special Session to be for that Purpose expressly convened, to appoint such and so many fit Person or Persons within each Town or Parish within their respective Counties, as they shall think expedient, to take an Account of the Population thereof in Manner hereinafter directed; and if more than One Person shall be so appointed for any Town or Parish, then to divide such Town or Parish into convenient Districts, assigning to each Person so appointed to take such Account his particular District; which Persons so appointed to take such Account, shall be liable in all Respects to the same Rules and Regulation, Penalties and Forfeitures, as Town or Parish Officers are subject and liable to by virtue of any Law in Force for the Appointment and Regulation of Town or Parish Officers: Provided that the Mayor, Aldermen and Commonalty of the

Persons appointed to be subject to the same Regulations and Penalties as other Parish Officers.

Mayor, Aldermen, &c. in Saint John, to

the City of Saint John, in Common Council convened, shall as soon as conveniently may be after the passing of this Act, appoint such and so many fit Person or Persons as to them shall seem meet, to take such Account within the said City, in like Manner with the Justices of the Peace for the several Counties at their General or Special Sessions as aforesaid.

appoint Persons in the City.

II. And be it enacted, That the Persons so appointed as aforesaid shall, at the Times and in the Manner hereinafter directed, severally take an Account of the Number of Persons who shall be actually found at the Time of taking such Account within the Limits of the Parish, City or District, for which they may be respectively appointed, and shall set down the several Particulars respecting the same, according to the Form prescribed in the Schedule annexed to this Act.

Account to be taken as hereinafter prescribed.

III. 'And for the more speedy and effectual obtaining of such Accounts;' Be it further enacted, That a sufficient Number of printed Copies of this Act, and of the Schedule thereto, such Number to be regulated and determined by Order of His Excellency the Lieutenant Governor or Commander in Chief for the Time, shall, on or before the First Day of May next after the passing of this Act, be transmitted by the King's Printer to the Clerks of the Peace in the several Counties; and the said several Clerks of the Peace shall and they are hereby required, with all convenient Speed, to cause the said Act to be distributed among the Justices of the Peace in the several Counties so that at least One Justice in each Parish may be furnished with One of the said printed Copies of the said Act, and also to cause Two of the said printed Schedules to be delivered to each Person appointed as aforesaid to take the Account required by this Act, within the said several and respective Counties.

This Act to be sent to the Clerks of the Peace in the several Counties, and by them to the Justices.

Two printed Schedules to be delivered to the Persons appointed to take Account.

IV. And be it enacted, That the Persons so appointed

Persons appointed to take an Account, to inform themselves by going from House to House or otherwise,

and prepare duplicate Answers and Returns, under Oath.

Penalty for refusing to Answer, or giving false Answers.

appointed to take such Accounts as aforesaid, shall, with all convenient Expedition, after receiving such Schedules, and within such Time as will enable them to deliver or transmit their respective Answers and Returns to the Clerks of the Peace by the Day hereinafter limited for that Purpose, proceed to take an Account, in Writing, of the Number of Persons at the Time of taking such Account being within the limits of the Parish, City or District for which they may be respectively appointed as aforesaid, and inform themselves of the several Particulars relating to the Matters specified in the Questions contained in the said Schedules, by proceeding from House to House, or otherwise, as they shall judge expedient for the better Execution of this Act; and from such Information shall prepare duplicate Answers or Returns to the said Questions, according to the Forms prescribed in the said Schedules, and shall sign and make Oath to the same, before a Justice of the Peace of the County, according to the said Forms; which Oath any such Justice is hereby authorized and required to administer; and the better to enable such Persons so appointed as aforesaid to make such Answers and Returns, they are hereby severally and respectively authorized and empowered to ask all such Questions of the Persons within the Parish, City or District for which they may be respectively appointed as aforesaid, respecting themselves and the Number and Quality of the Persons constituting their respective Families, as shall be necessary for stating the Particulars required to be stated concerning them in the said Answers and Returns; and every Person refusing to answer, or wilfully giving a false Answer to such Questions or any of them, shall for every such Refusal or false Answer forfeit a Sum not exceeding Three Pounds nor less than Twenty Shillings, at the Discretion of the Justice before whom

Complaint

Complaint thereof shall be made; and the said Persons so appointed as aforesaid to take such Accounts, shall deliver or transmit their several and respective Answers and Returns, in Duplicate as aforesaid, to the Clerks of the Peace for the several and respective Counties, on or before the First Day of December next after passing this Act.

V. And be it enacted, That the several Clerks of the Peace shall, on or before the Tenth Day of December next after the passing of this Act, transmit One Copy of such Answers and Returns as they shall have received in Manner aforesaid, together with a List of the Parishes, Districts or Places within their respective Counties from which no Returns may have been received, to the Office of the Secretary of the Province, and shall place and keep the other Copy of such Answers and Returns on File in their Offices respectively; and the Answers and Returns which shall be so transmitted to the Office of the Secretary of the Province, shall be digested and reduced into Order by such Officer or Person as the Lieutenant Governor or Commander in Chief for the Time being shall appoint for that Purpose, and an Abstract thereof shall be laid before the General Assembly at their next Session.

VI. And be it enacted, That there shall be allowed and paid out of the Province Treasury to each Clerk of the Peace for the Services required of him by this Act, the sum of Ten Pounds; and to each and every Person appointed and employed under this Act to take such Account as aforesaid, who shall make and transmit to the Clerk of the Peace of the County, by the Day hereinbefore limited for that Purpose, due Answers and Returns according to the Schedule to this Act annexed, the sum of Seven Shillings and Sixpence for each and every Day that such Person shall make it appear to the Justices of the Peace for

Clerks of the Peace, on or before 10th December next, to transmit One Copy of Returns, with Lists of Places from which no Returns have been received, to the Secretary's Office, and File another Copy in their Office.

Returns to be arranged, and an Abstract laid before the General Assembly.

Allowance to the Clerks of the Peace.

Allowance to Persons appointed to take Account.

the several Counties at their General Sessions that he has been actually employed in the Services required of him by this Act; the Number of Days to be certified by the said Justices at their General Sessions to the Lieutenant Governor or Commander in Chief for the Time being; which said Sums in this Section mentioned shall be paid out of any Monies in the Province Treasury by Warrant of the Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice and Consent of His Majesty's Council, in Favor of the Clerk of the Peace, to be by him paid to the respective Persons entitled to the same without any Deduction whatever.

Penalty for Refusal or Neglect of Duty of Persons appointed to take Account:

VII. And be it enacted, That any Person appointed under this Act to take such Account as aforesaid, who shall refuse or neglect to perform any of the Duties required of him by this Act, shall for each and every such Refusal or Neglect forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice before whom Complaint shall be made.

Penalties to be recovered before a Justice

VIII. And be it enacted, That the several and respective Forfeitures and Penalties hereinbefore mentioned, shall and may be recovered upon Complaint made before any Justice of the Peace for the County where the Offence may be committed, upon the Oath of One or more credible Witness or Witnesses, and be levied by Distress and Sale of the Goods and Chattels of the Offender, rendering the Surplus (if any), after deducting the Costs and Charges of Prosecution and Sale, to such Offender, and to be applied, One Half to the Use of the Person who shall sue for the same, and the other Half to the Use of the Poor of the Parish where the Offence may be committed.

Application.

SCHEDULE.

Questions, to which, by Directions of an Act Schedule. of Assembly passed in the Fourth Year of the Reign of His Majesty King William the Fourth, intituled *An Act for taking an Account of the Population of this Province*, written Answers, in Duplicate, are to be returned by the Persons appointed under and by virtue of the said Act, to take such Account, signed and attested upon Oath by such Persons respectively.

First, How many Inhabited Houses are there in your City, Parish or District, and by how many Families are they occupied?

Second, How many Houses are now building, and therefore not yet inhabited?

Third, How many other Houses are uninhabited?

Fourth, How many Persons (including Children of whatever Age) are there actually found within the Limits of your City, Parish or District, at the Time of taking this Account, distinguishing Males and Females, and Persons above and under Sixteen Years of Age, and People of Colour, and exclusive of Men actually serving in His Majesty's Regular Forces, and of Seamen either in His Majesty's Service or belonging to Registered Vessels, and Native Indians?

Fifth, Are there any Matters which you think it necessary to remark in Explanation of your Answers to either of the preceding Questions?

Form of Answer to the Questions contained in the Schedule to an Act of Assembly 4th William IV. intituled *An Act for taking an Account of the Population of this Province.*

Name & Description of Parish or City, or District, in such Parish or City, & within what County situate.	Question 1st. By how Inhabited many Families, miles occupied.	Question 2d. Houses now building.	Question 3d. Other Houses Uninhabited.	Question 4th.—Persons, including Children of whatever Age.						TOTAL of Persons.										
				WHITES.			PEOPLE OF COLOUR.													
				Males above 16 Years of Age.	Males under 16 Years of Age.	Females above 16 Years of Age.	Females under 16 Years of Age.	Males above 16 Years of Age.	Males under 16 Years of Age.		Females above 16 Years of Age.	Females under 16 Years of Age.								

N. B.—If any Family occupy Two or more Houses in different Parishes or Districts, the Individuals belonging to such Family, are to be numbered only in those Parishes or Districts where they severally happen to be at the Time of taking the Account.

5th Question.—Are there any other Matters which you think it necessary to remark, in Explanation of your Answers to any of the preceding Questions?

Attestation, on Oath, by the Persons appointed to take an Account of the Population.

I, A. B., the Person appointed to take an Account of the Population for the Parish (or City) of _____ (or for the District of _____ in the Parish (or City) of _____) in the County of _____ do swear, that the above Return contains, to the best of my Knowledge and Belief, a full and true Answer to the Questions contained in the Schedule to an Act, intituled *An Act for taking an Account of the Population of this Province.*

The above mentioned A. B. was sworn this _____ Day of _____ before me.

C. D.
Justice of the Peace for _____

CAP. XV.

An Act to authorize the Justices of the Peace for the County of Westmorland to levy an Assessment upon the Inhabitants of said County, to discharge the Debts due from the said County.

Passed 22d March 1834.

WHEREAS the Sum which the Justices of the Peace for the said County were empowered to raise by Assessment on said County, for the building of a Court House and Gaol, has been found insufficient;

Preamble.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Justices of the Peace for the said County of Westmorland, at any General Sessions of the Peace hereafter to be holden, be and they are hereby authorized and empowered to make such further Rate and Assessment, not exceeding Two hundred and fifty Pounds, as they in their Discretion may think necessary, for the Purpose of discharging the Debts due from the said County of Westmorland; the same to be assessed, collected and paid agreeably to any Acts in Force for the assessing, collecting and levying of County rates.

Justices may assess the County, not exceeding £250, to discharge Debts.

CAP. XVI.

An Act to continue and amend the Acts relating to the Herring Fisheries in the County of Charlotte.

Passed 22d March 1834.

I BE it it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George in the County*

S. G. 4. C. 11,
and

ty

ty of Charlotte, and to provide for the inspection of smoked Herrings in the said Parishes ; and also an Act made and passed in the First Year of the Reign of His present Majesty, intituled An Act to amend an Act to regulate the Herring Fishery in the Parishes of Grand Manan, West Isles, Campo Bello, Pennfield and Saint George in the County of Charlotte, and to provide for the Inspection of smoked Herrings in the said Parishes, be and the same are hereby severally continued, except as hereinafter repealed, and shall, together with the Amendments hereinafter made, be and remain in full Force until the First Day of May which will be in the Year of our Lord One thousand eight hundred and thirty seven.

1. W. 4. C. 8. S. 8. except as herein altered, continued.

1 W. 4. C. 8, S. 1, repealed.

No Nets or Seines to be set within Three Miles of Grandmanan or adjacent Islands, from 20th July to 20th October.

Exceptions.

II. And be it enacted, That the First Section of the said last mentioned Act, be and the same is hereby repealed; and in lieu thereof,

III. Be it enacted, That from and after the passing of this Act, no Net or Nets, Seine or Seines, shall be set within Three marine Miles of the Shore of the main Island of Grandmanan, or of any of the Islands adjacent thereto, from the Twentieth Day of July to the Twentieth Day of October in each and every Year; Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to Boats and Vessels of not less than Fifteen Feet Keel, and not exceeding Fifteen Tons Burden, which Boats and Vessels are hereby respectively allowed and permitted to use a Net not exceeding Fifteen Fathoms long; and provided also, that nothing herein contained shall extend or be construed to extend to Vessels exceeding the Burden of Fifteen Tons, which Vessels are hereby respectively allowed and permitted to use a Net of the Length of Fifteen Fathoms and as many Fathoms more as the said Vessel's Tonnage may exceed Fifteen Tons, provided the same shall not

not exceed Forty Fathoms in the Whole; and provided also, that all such Boats and Vessels so fishing within the said prescribed Period shall be *bona Fide* fitted out for and pursuing the Cod and Scale Fisheries; and provided further, that no Nets or Buoys shall be used by any of the said Boats or Vessels, until the same shall be examined and approved of, and the said Buoys branded by, the Overseer or Overseers of the Fisheries of the said Parish of Grandmanan.

Nets and Buoys to be branded by the Overseers of Fisheries.

IV. And be it enacted, That the Overseer or Overseers of the Fisheries of the said Parish of Grandmanan appointed by any Act or Acts now in Force, shall be sworn to the due and faithful Performance of his or their Duty according to the true Intent and Meaning of this Act, and shall be entitled to ask, demand and recover from the Person or Persons applying to have his or their Nets examined, and Buoys branded, in obedience to the Provisions of this Act, the Sum of Three Shillings, and no more, for performing his or their Duty in that Behalf.

Overseers of Fisheries to be sworn.

Their Fees.

CAP. XVII.

An Act to facilitate summary Proceedings before Justices of the Peace, and the Execution of Warrants by Constables.

Passed 22d March 1834.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That wherever in any Act of Assembly, or of the Imperial Parliament, now in Force or hereafter to be made, any Penalty or Forfeiture is or shall be directed to be recovered before any Justice or Justices of the Peace, such Penalty or Forfeiture may be levied and recovered by Warrant of Distress of the Offender's Goods and Chattels, under the Hand and Seal of such Justice, or Hands and Seals of such Justices,

Penalties or Forfeitures under Acts of Assembly or Imperial Parliament, recoverable before One or more Justices of the Peace, may be levied by Warrant of Distress.

tices, unless otherwise expressly directed by the Acts aforesaid imposing such Penalty or Forfeiture ; and it shall and may be lawful for such Justice or Justices granting such Warrant, therein to order and direct the Goods and Chattels so to be distrained to be sold and disposed of within a certain Time to be limited in such Warrant, so as such Time be not less than Two Days, nor more than Four Days, unless the Penalty or Sum of Money for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, be sooner paid ; and that in any Case where the Justice or Justices is or are empowered to award Costs to be paid by the Offender, it shall and may be lawful for such Justice or Justices to include the same in the Warrant of Distress and Sale, specifying the Amount so awarded for Costs in such Warrant, and therein directing the same to be levied, in Addition to the Penalty in which the Party may have been convicted, by Distress and Sale of the Offender's Goods and Chattels.

Costs where allowable, may be included in the same Warrant.

Charges of taking and selling Distress to be deducted from Proceeds of Sale, and Surplus returned.

Warrant to be shewn and Copy may be taken.

In Default of Payment of, or Distress for, Penalties under Acts of Parliament, Offender

II. And be it enacted, That the Officer making such Distress, shall and is hereby empowered to deduct the reasonable Charges of taking, keeping, and selling such Distress, out of the Money arising by such Sale, and the Overplus (if any) after such Charges, and also the said Penalty or Forfeiture, and Costs (if any) mentioned in such Warrant, shall be tully satisfied and paid, shall be returned on Demand to the Owner of the Goods and Chattels so distrained ; and the Officer executing such Warrant, if required, shall shew the same to the Person whose Goods and Chattels are distrained, and shall suffer a Copy thereof to be taken.

III. And be it enacted, That wherever in any Act of the Imperial Parliament as aforesaid, any Penalty or Forfeiture is or may be recoverable before any Justice or Justices of the Peace, and

no Authority is thereby given to commit any Offender or Offenders in Default of Payment of such Penalty or Forfeiture, or of Goods and Chattels whereon to distrain, such Justice or Justices is or are hereby empowered, in Default of Payment of such Penalty or Forfeiture, and for Want of sufficient Goods and Chattels of the Offender whereon to levy such Penalty or Forfeiture, together with the Charges of distraining and selling the same, to commit the Offender to the common Gaol or House of Correction, for such Space of Time, not exceeding Three Months, as he or they in his or their Discretion shall think fit.

may be committed.

IV. And be it enacted, That wherever in any Acts as aforesaid, any Penalty or Forfeiture is or may be recoverable before any Justice or Justices of the Peace, and such Justice or Justices is or are empowered by such Acts, as aforesaid, or by this Act, in Default of Payment of such Penalty or Forfeiture, or for Want of sufficient Goods and Chattels of the Offender whereon to levy such Penalty together with the Charges of distraining and selling the same, to commit the Offender to the common Gaol or House of Correction, then in case it shall appear to such Justice or Justices, either by Confession of the Party or otherwise, that he hath not sufficient Goods and Chattels within the Jurisdiction of such Justice or Justices whereon to levy such Penalty or Forfeiture, Costs and Charges, such Justice or Justices at his or their Discretion, and without issuing any Warrant of Distress, may proceed in such and the like Manner as if a Warrant of Distress had been issued, and a *Nulla Bona* returned thereon; and it shall be lawful for such Justice or Justices to issue, forth his or their Warrant for committing such Offender to the common Gaol or House of Correction, for such Time and in such Manner as in such Acts as aforesaid, or this Act, are respectively mentioned and directed;

Justices may proceed as if Warrant of Distress had issued and a *nulla Bona* returned, when it shall appear that the Offender hath not sufficient Chattels whereon to levy.

rected ; and such Justice or Justices may also in such Case keep and detain the said Offender in Custody after Conviction until the Warrant for his Commitment is prepared.

Gaolers to discharge Prisoners on Payment of Penalty and Costs, give Notice to the Justices and pay over Amount received.

V. And be it enacted, That in the Case of any Offender committed to the common Gaol or House of Correction for Default of Payment of such Penalty or Forfeiture, and any Costs or Charges attending the Conviction, if such Offender shall at any Time during the Period of his or their Imprisonment pay or cause to be paid to the Keeper of the Prison the full Amount of such Penalty or Forfeiture, together with the Costs and Charges, it shall be lawful for such Keeper of such Prison, and he is hereby required, forthwith to discharge such Offender from his Custody ; and such Keeper shall immediately give Notice thereof to the Justice or Justices by whom the Commitment may have been made, and pay over to him or them the Money so received from the Offender, to be by such Justice or Justices paid, distributed, or applied as the Acts aforesaid may direct.

Offender may be committed without issuing Warrant of Distress, in Cases where the Distress of Goods would be ruinous.

VI. And Whereas Cases may occur where the Recovery of such Penalty or Forfeiture by Distress and Sale of the Offender's Goods and Chattels, may appear to the Justice or Justices of the Peace to be attended with Consequences ruinous, or in an especial Manner injurious to the Offender and his Family ; Be it enacted, That the Justice or Justices shall be empowered, and they are hereby authorized, in all Cases and upon all such Occasions as to them shall seem fit, and where such Consequences are likely to arise, to cause to be withheld the Issue of any Warrant of Distress, and to commit the Offender aforesaid, immediately after Conviction and in Default of Payment of the Penalty or Forfeiture, with Costs and Charges, (where such shall be adjudged,) to the common Gaol or House of Correction, for such Time and in such Manner

as are in such Acts as aforesaid respectively mentioned and directed; Provided always, that it be by the Desire, or with the Consent, in Writing, of the Party upon whose Property the Penalty or Forfeiture is to be levied. Proviso.

VII. 'And Whereas Inconveniences often arise in summary Proceedings before Justices of the Peace, from a Want of a general Form of Conviction;' Be it enacted, That in all Cases where a Conviction shall take place, and no particular Form for the Record thereof hath been directed, the Justice or Justices duly authorized to proceed summarily therein, and before whom the Offender or Offenders shall be convicted, shall and may cause the Record of such Conviction to be drawn up in the Manner and Form following, or in any Words to the same Effect, *mutatis mutandis*; (that is to say,)

County of (or as the Case may be). Be it remembered, that on the _____ Day of _____, in the Year of our Lord _____, at _____ in the County of _____, A. B. of _____, in the County of _____, Labourer (or as the Case may be), personally came before me (or before us &c.) C. D. One (or more as the Case may be) of His Majesty's Justices of the Peace for the said _____, and informed me (or us &c.) that E. F. of _____, in the County of _____, on the _____ Day of _____ at _____, in the said _____; did (*here set forth the Fact for which the Information is laid,*) contrary to the Form of the Act of Assembly (or of the Imperial Parliament) in such Case made and provided, whereupon the said E. F. after being duly summoned to answer the said Charge appeared before me (or us &c.) on the _____ Day of _____, at _____ in the said _____, and, having heard the Charge contained in the said Information, declared he was not guilty of the

Form of Record
of Conviction.

the said Offence (*or, as the Case may happen to be,* did not appear before me *or us &c.*, pursuant to the said Summons, *or did neglect and refuse to make any Defence against the said Charge*), whereupon I (*or we &c. or nevertheless I or we &c.*) the said Justice (*or Justices*) did proceed to examine into the Truth of the Charge contained in the said Information, and on the _____ Day of _____ aforesaid, at the Parish of _____ aforesaid, One credible Witness, to wit. A. W. of _____ in the County of _____ upon his Oath deposeth and saith (*if E. F. be present say in the Presence of the said E. F.*) that on the _____ Day of _____ the said E. F. at _____ in the said County of _____, (*here state the Evidence as nearly as possible in the Words used by the Witness, and if more than One Witness be examined state the Evidence given by each, or if the Defendant confess instead of stating the Evidence, say and the said E. F. acknowledged and voluntarily confessed the same to be true*); therefore it manifestly appearing to me (*or us &c.*), that he the said E. F. is guilty of the Offence charged upon him in the said Information, I (*or we &c.*), do hereby convict him of the Offence aforesaid, and do declare and adjudge that he the said E. F. hath forfeited the Sum of _____ of lawful Money of _____, for the Offence aforesaid, to be distributed (*or paid as the Case may be*) according to the Form of the Act of Assembly (*or of the Imperial Parliament*) in that Case made and provided (*if the Acts as aforesaid allow Costs to be awarded add and also the Sum of _____ now by me or us &c. adjudged to the said A. B. for the Costs of this Prosecution, pursuant to the said Act*). Given under my Hand (*or our Hands &c.*) and Seal (*or Seals &c.*) the _____ Day of _____ in the Year of our Lord _____.

VIII. And be it enacted, That in all Cases where

where Two or more Justices are authorized and required to hear and determine any Complaint, One Justice shall be competent to receive the original Information or Complaint, and to issue the Summons or Warrant requiring the Party to appear before Two or more Justices of the Peace, and after Examination upon Oath into the Merits of the said Complaint, or Confession of the Party, and the Adjudication thereupon by any such Two Justices, all and every the subsequent Proceedings to enforce Obedience thereto, or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs or other Matter or Thing now enacted or to be hereafter enacted, may be enforced by either of the said Justices, or any other Justice of the Peace for the same County or City and County, in such and the like Manner as if done by the same Two Justices who so heard and adjudged the said Complaint; and where the original Complaint or Information shall be made to any Justice or Justices of the Peace different from him or them before whom the same shall be heard and determined, the Form of Conviction shall be made conformable and according to the Fact.

One Justice may receive the original Information &c. and enforce the Judgment, when Two Justices are required to determine.

IX. And be enacted, That in all Cases where it appears by the Conviction that the Defendant has appeared and pleaded, and the Merits have been tried, and that the Defendant has not appealed against the said Conviction, where an Appeal is allowed, or, if appealed against, the Conviction has been affirmed, such Conviction shall not afterwards be set aside or vacated in consequence of any Defect of Form whatever, but the Construction shall be such a fair and liberal Construction as will be agreeable to the Justice of the Case.

No Conviction to be vacated for Defect of Form where Defendant has pleaded and Merits been tried.

X. And whereas Warrants addressed to Constables and other Peace Officers of Parishes or Places in their Character of and as Constables

Constables may execute Warrants in any Place within the Jurisdiction of

OR

the Justice
granting or
backing the
Warrants.

‘ or other Peace Officers of such respective Pa-
‘ rishes or Places, cannot be lawfully executed by
‘ them out of the Precincts thereof respectively,
‘ whereby Means are afforded to Criminals and
‘ others of escaping from Justice ; For Remedy
‘ whereof,’ Be it enacted, That it shall and may
be lawful to and for each and every Constable
and other Peace Officer for any such Parish or
Place to execute any Warrant of any Justice or
Justices of the Peace within any Parish or Place
situate, lying or being within the Jurisdiction
of such Justice or Justices granting or back-
ing such Warrant, in such and the like Manner
as if such Warrant had been addressed to such
Constable or other Peace Officer specially by his
Name, and notwithstanding the Parish or Place
in which such Warrant shall be executed shall
not be the Parish or Place for which he shall be
Constable or other Peace Officer ; Provided the
same be within the Jurisdiction of the Justice or
Justices so granting such Warrant, or within
the Jurisdiction of the Justice or Justices by
whom any such Warrant shall be backed or
endorsed.

Act not to ex-
tend to Civil
Suits.

XI. Provided always, and be it enacted, That
nothing in this Act contained shall extend or be
construed to extend to Proceedings in Civil Suits
before any Justice or Justices of the Peace.

CAP. XVIII.

An Act to prevent Desertion from His Majesty's Forces, and to
punish unlawful Dealings with Soldiers or Deserters.

Passed 22d March 1834.

Preamble.

‘ **W**HEREAS Soldiers stationed within this
‘ Province for the Defence of the same, have been
‘ frequently found to desert or absent themselves
‘ from the Head Quarters of their respective Re-
‘ giments

'giments or Detachments without Leave, to the
'great Injury' of His Majesty's Service ;'

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any Person shall directly or indirectly persuade any Soldier to desert His Majesty's Service, and every Person who shall assist any Deserter from His Majesty's Service, knowing him to be such, in deserting or in concealing himself from such Service, every such Person so offending shall, for each and every Offence, on Conviction, forfeit the Sum of Twenty Pounds.

Persuading Soldiers to desert, or assisting or concealing Deserters from His Majesty's Service.

Penalty.

II. And be it enacted, That if any Person shall buy, exchange or detain, or otherwise receive, from any Soldier or Deserter, upon any Account whatever, any Arms, Clothing, Caps or other Furniture belonging to the King, or any such Articles belonging to any Soldier or Deserter as are generally deemed regimental Necessaries, according to the Custom of the Army, or shall exchange, buy or receive from any Soldier any Provisions, unless by Consent of the Officer commanding the Regiment or Detachment to which such Soldier shall belong, every Person so offending shall for each and every Offence incur the Penalty of Five Pounds.

Buying &c. from Soldiers or Deserters any Arms &c. without Consent of Commanding Officer.

Penalty.

III. And be it enacted, That the First mentioned Penalty shall and may be recovered before any Two Justices of the Peace, and the last mentioned Penalty before any One Justice of the Peace in the County where such Offence may be committed, upon Conviction, at the Suit of the Commanding Officer of that Regiment, or any Person who may prosecute for the same, on the Oath of One or more credible Witness or Witnesses, to be levied by Warrant of Distress and Sale of the Goods and Chattels of the Offender, One Moiety of which Penalty shall be paid into the Province Treasury for the Purpose of encouraging the Apprehension of Deserters, the other Moiety to such Person who shall prosecute the

Recovery of Penalties.

[Application.]

same

same Offences to Conviction ; and in Case no sufficient Goods or Chattels can be found whereon to levy such Distress, every Offender shall by such Justice or Justices be committed to the common Gaol in such County, there to remain without Bail or Mainprize for a Term not exceeding Three Months, nor less than One Month.

Reward for apprehending Deserters.

IV. And be it enacted, That any Person or Persons who shall apprehend any Deserter or Deserters from His Majesty's Forces, and deliver up such Deserter or Deserters to any Officer commanding any Military Post in this Province, shall for each and every Deserter so apprehended and delivered up receive a Reward of Five Pounds, on producing a Certificate of such Apprehension and Delivery, specifying the Name or Names of such Deserter or Deserters, and to what Regiment or Corps he or they belong, signed by such commanding Officer and One Justice of the Peace for the County or District before whom such Deserter or Deserter shall be brought : Provided always, that the Rewards so to be given out of the Province Treasury shall not in any One Year exceed the Sum of One hundred Pounds.

Not to exceed £100 in One Year.

Gaolers to receive Deserters into Custody.

V. And be it enacted, That it shall henceforth be the Duty of all Keepers of His Majesty's Gaols, in the County or Counties between the Place or Places where such Deserter or Deserters may be apprehended and the Place of his or their final Destination, to receive such Deserter or Deserters into their Custody, without any Fee or Reward, whether such Deserter or Deserters be conveyed by virtue of a Warrant from any Justice of the Peace or under Military Escort by an Order of the Commandant of any Garrison within this Province.

Rewards to be paid by Warrants on the Treasury.

VI. And be it enacted, That the Rewards so to be paid under and by virtue of this Act, shall be by Warrant under the Hand and Seal of the Lieutenant

Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice and Consent of His Majesty's Council, directed to the Province Treasurer, provided the same do not exceed the Sum of One hundred Pounds.

VII. And be it enacted, That no Proceedings shall be had under this Act for any of the Offences aforesaid, which may have been prosecuted to Conviction under and by virtue of the Mutiny Act, or any other Act of the Imperial Parliament, or of the Assembly.

No Proceedings to be had under this Act where the Offence has been prosecuted under the Mutiny Act &c.

VIII. And be it enacted, That 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 forty four.

Limitation.

CAP. XIX.

An Act to authorize the Justices of the Peace in the several Counties in this Province to make Assessments for the Payment of County Officers, and also to authorize the Justices of the Peace for the County of Northumberland to make further Provision for the Payment of the Treasurer of that County.

Passed 22d March 1834.

WHEREAS by the Laws now in Force, the Sessions of the respective Counties in this Province are precluded from allowing to the County Treasurers respectively, for their Services *per Annum* any Sum exceeding Fifteen Pounds, which in the County of Northumberland has been found a very inadequate Compensation for the Services and Responsibility of that Officer, especially for the last Six Years;

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the said County, or the Major Part of them, at any General Sessions to be holden in and for the said County, are hereby fully authorized and empowered to make such

Justices of Northumberland may compensate the County Treasurer for past Services,

H additional

additional Compensation to the said Treasurer of that County for his past Services, since the Year One thousand eight hundred and twenty seven, as they in their Discretion may deem right and proper, not exceeding the Sum of Eight Pounds *per Annum*, to be paid out of the contingent Fund of the said County.

And make a future Additional Allowance.

II. And be it enacted, That the said Justices of the said County, at any General Session, or the Major Part of them then and there assembled, are hereby fully authorized and empowered from and after the passing of this Act to make such additional annual Allowance to the said County Treasurer, over and above the said Fifteen Pounds *per Annum*, for his future Services, as they in their Discretion may think right and proper, so always as the whole annual Allowance of the Treasurer of the said County shall not exceed the Sum of Twenty five Pounds, any Thing in any other Law or Usage to the contrary notwithstanding.

Justices of the several Counties may assess not exceeding £50 *per Annum*, to make up any Deficiency in the contingent Funds.

III. And be it enacted, That the Justices of the Peace for the several Counties in this Province, or the Major Part of them, at their respective General Sessions, are hereby authorized and empowered when necessary, from any Deficiency in the contingent Funds of the said Counties respectively, to order and direct an Assessment upon the Inhabitants and others of the said Counties respectively, of a sufficient Sum to defray the annual Allowance to their respective County Treasurers, and the legal Charges and Demands of the other Officers of the said County, so always as such annual Assessments respectively shall not exceed the Sum of Fifty Pounds in any One Year; which said Sums respectively shall be assessed, levied and collected in like Manner as other County Rates.

Limitation.

IV. And be it enacted, That this Act shall continue and remain in Force until the First Day of

of April which will be in the Year of our Lord One thousand eight hundred and forty.

CAP. XX.

An Act in Addition to and in Amendment of the several Acts now in Force to provide for sick and disabled Seamen not being Paupers belonging to this Province, so far as the same relate to the County of Gloucester.

Passed 22d March 1834.

WHEREAS in and by the Second Section Preamble.
of an Act made and passed in the Sixtieth Year 60 G. 3. C. 15.
of the Reign of King George the Third, intituled *An Act to provide for sick and disabled Seamen not being Paupers belonging to the Province*, it is provided that the Duty imposed by the said Act, shall be paid to the Overseers of the Poor for the Place where the same is collected: And Whereas it is expedient to make further and more effectual Regulations for providing for such Seamen in the Ports or Harbours of Bathurst and Dalhousie in the County of Gloucester;

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the said Second Section of the said Act, so far as the same relates or may be construed to relate to the said Ports or Harbours of Bathurst and Dalhousie, be and the same is hereby repealed. 60 G. 3. C. 15, S. 2, repealed as to Bathurst and Dalhousie.

II. And be it enacted, That it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice of His Majesty's Council, to appoint Three or more Persons to be Commissioners, and to displace, reappoint or supply the Place or Places of all or any of the said Commissioners as from Time to Time may be necessary or expedient; and that the Duty imposed by the above mentioned Act, and collected at the Duty collected at Bathurst and Dalhousie, to

be paid to the Commissioners, by Warrant, and to be by them applied for the Relief of Seamen.

the said Ports or Harbours of Bathurst and Dalhousie respectively, or so much thereof as shall be necessary, shall be paid over by the Treasurer or Deputy Treasurer of the said Ports respectively to such Commissioners so to be appointed respectively, by Warrant of the Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice of His Majesty's Council, to be by them applied for the necessary Care, Cure, Support and Maintenance of sick and disabled Seamen, at their respective Ports, in such Manner as they may deem advisable; and that such Commissioners shall have the same Rights, Power and Authority at the said respective Ports of Bathurst and Dalhousie, and subject to such Rules and Regulations as are in and by any of the Acts now in Force for Relief of sick and disabled Seamen granted to or imposed on the Overseers of the Poor, as hereby expressly altered.

Ports of Dalhousie and Bathurst defined.

III. And be it enacted, That the Waters, Creeks and Places lying between Muguasha Point and Belledune River, shall be taken and considered as constituting the Port of Dalhousie; and that the Waters, Creeks and Places lying between Belledune River and the Line dividing the Counties of Gloucester and Northumberland, Coastwise, shall be taken and considered as constituting the Port of Bathurst, so far as regards the Purposes of this Act and no farther.

CAP. XXI.

10 and 11 G. 4. An Act to amend an Act, intituled *An Act to repeal certain Acts relating to Commissioners of Sewers, and to make more effectual Provisions in lieu thereof.*

Passed 22d March 1834.

Preamble.

‘ **WHEREAS** it is deemed expedient that no
‘ Commissioner of Sewers shall be appointed or
‘ act

‘ act as Clerk to the Board of Commissioners of
‘ Sewers of which he is a Member;’

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, no Commissioner of Sewers shall or may be appointed Clerk, or act as such, to the Board of Commissioners of Sewers of which he is a Member.

No Commissioner to be Clerk of the Board of which he is a Member.

II. And be it enacted, That such Part and so much of the Second Section of the hereinbefore recited Act, relating to the Pay of the Commissioners of Sewers, be and the same is hereby repealed, and that in lieu thereof, there be allowed to each and every Commissioner superintending the dyking or draining of any Marsh, Low Lands or Meadows, at and after the Rate of Ten Shillings for each and every Day’s actual Attendance, and where otherwise employed as a Commissioner of Sewers at and after the rate of Five Shillings per Day and no more, to be paid and received in the same Manner as is provided for in and by the said recited Section.

10 and 11 G. 4. C. 29, S. 2, in Part repealed.

Compensation to Commissioners.

III. And be it enacted, That in all Cases when Land shall be reclaimed and inclosed by Dykes or Aboideaux, erected without other Dykes or Aboideaux, that no Proprietor of any such reclaimed and inclosed Land shall be taxed or assessed under the Provisions of the Ninth Section of the hereinbefore recited Act, over and above the real Value of such reclaimed or inclosed Land.

No Proprietors of Lands reclaimed by Dykes erected without Dykes to be assessed above the Value of Land reclaimed.

CAP. XXII.

An Act in further Amendment of an Act, intituled *An Act subjecting Real Estates in the Province of New Brunswick to the Payment of Debts and directing the Sheriff in his Proceedings thereon.* 26 G. 3. C. 12.

Passed 22d March 1834.

‘ **W**HEREAS the Proof required by Law to
‘ make a good Title under and by virtue of a Sale
‘ of

Preamble.

‘ of Lands and Sheriff’s Deeds thereon, has been
 ‘ found productive of great Inconvenience, and in
 ‘ many Cases of serious Injury to the Party or
 ‘ Parties claiming Title thereto; for Remedy
 ‘ whereof,’

Sheriff’s Deeds
 and the Exem-
 plification of
 Judgment and
 Execution to be
prima Facie
 Evidence of
 Matter set forth
 therein.

Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Deed of the Sheriff or other Officer authorized to execute the same, duly executed, acknowledged and recorded as the Law directs, and the Exemplification of the Judgment and Execution upon which the same is founded, shall in all Cases be *prima Facie* Evidence of all the Matters and Things therein set forth, so far as the obtaining the Judgment, issuing Execution, levying upon the Property sold for the Want of Goods and Chattels of the Defendant from whom the Property is taken, the advertising the same by the Sheriff as by Law required, and the Sale thereof under the Execution recited in the said Deed and exemplified as aforesaid; and that the *Onus* of proving any Defect in the advertising and Sale of the Property conveyed, Neglect or Mal-practice on the Part of the Sheriff or any of his Officers, shall henceforth lie on the Party or Parties disputing the same, any Thing in any Law or Usage to the contrary in anywise notwithstanding; Provided always, that the Sheriff or other Officer by whom the Deed was executed, under and by virtue of which the Party or Parties in any Action or Actions claim Title, or some One of the Under Sheriffs or Deputies of such Sheriff, regularly appointed, shall at the Time of the Execution of the said Deed, make Affidavit before the Justice or other Officer authorized by Law to take Acknowledgments and Proof of the Execution of Deeds and other Instruments, who shall and is hereby required to take the same Affidavit, and endorse the same thereon, that the said Property by such Deed

Onus of proving
 any Defect in
 Proceedings to
 be on Party dis-
 puting.

Affidavit that
 the Property
 was regularly
 seized &c. to be
 endorsed on
 Deed at the
 Time of Execu-
 tion.

Deed conveyed was regularly seized, advertised and sold in every Respect as by Law directed.

CAP. XXIII.

An Act more effectually to punish the Crime of Forgery.

Passed 22d March 1834.

BE it enacted by the Lieutenant Governor, Council and Assembly, That every Person who shall commit the Crime of Forgery shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the Manner prescribed for Felony in an Act made and passed in the First Year of the Reign of his present Majesty, intituled *An Act for improving the Administration of Justice in Criminal Cases.*

Forgery made Felony and punishable as Felony under 1 W. 4. C. 14.

CAP. XXIV.

An Act to continue *An Act to provide for the Erection of Fences with Gates across Highways leading through Intervale Lands in Queen's County, and the County of Sunbury where the same may be found necessary, and to extend the Provisions of the same to King's County.*

Passed 22d March 1834.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, intituled *An Act to provide for the Erection of Fences with Gates across Highways, leading through intervale Lands in Queen's County and the County of Sunbury, where the same may be found necessary;* and also an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, to extend the Provisions of the same to King's County, be and the same are hereby further continued and declared to be in full Force until

50 G. 3. C. 31. and

3 G. 4. C. 7. Continued.

until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty nine.

CAP. XXV.

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an Assessment towards paying off the County Debt, and for other Purposes therein mentioned.

Passed 22d March 1834.

Justices may assess the County, not exceeding £1000, to pay off Balance due for County Gaol and Contingent Expenses.

BE it enacted by the Lieutenant Governor, Council and Assembly, That the Justices of the Peace for the said County, at any General Sessions of the Peace hereafter to be holden therein, be and they are hereby authorized and empowered to make such Rate and Assessment, of any Sum not exceeding One thousand Pounds, as they in their Discretion may think necessary, for the Purpose of paying off a Part of the Balance due for the building the Gaol of the said County, and also to pay a Part of the contingent Expenses of the said County; the same to be assessed, levied, collected and paid agreeably to any Acts now or hereafter in Force for the assessing, collecting and levying of County Rates.

CAP. XXVI.

An Act to provide for the safe keeping of County Records.

Passed 22d March 1834.

Preamble.

‘ **W**HEREAS the safe keeping of the Registry of Deeds and Wills, and the Records of the Inferior Court of Common Pleas, and General Sessions of the Peace, in the several Counties in this Province, is an Object of great public importance;’

I. Be it enacted by the Lieutenant Governor,
Council

Council and Assembly, That the Justices of the Peace in the several Counties of this Province, at any General Session of the Peace hereafter to be holden in their respective Counties, whenever they in their Discretion may consider it expedient, are hereby authorized and empowered to make a Rate and Assessment of any Sum, not exceeding the Sum of Three hundred Pounds, as they may think necessary for the erecting suitable Buildings, with Safes, of Stone or Brick, near the Court Houses of their respective Counties, for the Use and safe keeping of the Records of Deeds and Wills, and also of the Inferior Court of Common Pleas and General Sessions of the Peace in said Counties; such Sum to be assessed, levied, collected and paid in such Proportion and in the same Manner as any other County Rates can or may be assessed, levied, collected and paid by virtue of any Act now or hereafter in Force for assessing, collecting and levying County Rates.

Justices may assess the several Counties not exceeding £300 for Buildings with Safes for the County Records.

II. And be it enacted, That the said Justices at any General Session of the Peace hereafter to be holden, or at any Special Session for that Purpose convened and holden, be and they hereby are authorized and empowered to contract and agree with any Person or Persons for the Erection of such Buildings as and for the Purposes aforesaid, or to appoint Contractors for that Purpose, and to apply the Proceeds of such Assessment in Furtherance and Performance of such Agreement or Contract on their Part.

Justices may make Contracts for the Buildings.

III. And be it enacted, That as soon as the said Buildings are erected and completed, the several Offices of Register of Wills and Deeds, and Clerk of the Inferior Court of Common Pleas and General Sessions of the Peace, shall be kept therein.

Offices of Register of Wills and Deeds and Clerk of the Peace, to be kept in said Buildings.

CAP. XXVII.

An Act for granting Patents for useful Inventions.

Passed 22d March 1834.

Governor may
issue Letters
Patent, in Man-
ner herein spe-
cified, for useful
Inventions or
Discoveries.

BE it enacted by the Lieutenant Governor, Council and Assembly, That from and after the Publication of this Act, whenever any Person or Persons who shall then be an Inhabitant or Inhabitants of this Province, or who shall have resided therein for One Year previous thereto, shall apply to the Lieutenant Governor or Commander in Chief for the Time being, and shall allege that he, she or they have invented or discovered any new or useful Art, Machine, Manufacture, or Composition of Matter, or any new or useful Improvement on any Art, Machine, Manufacture, or Composition of Matter, not before known and used, and shall, by Petition to the Lieutenant Governor or Commander in Chief for the Time being, signify, his, her or their desire to obtain an exclusive Property in such new Invention and Discovery, and shall pray that a Patent may be granted for the same, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the Time being, to cause and direct Letters Patent, under the Great Seal of this Province, to be issued; which said Letters Patent shall recite the Allegations and Suggestions of the said Petition so to be preferred as aforesaid, and shall therein give a short Description of the said Invention and Discovery, and thereupon shall grant to the said Person or Persons so applying for the same, his, her or their Executors, Administrators and Assigns, for a Term not exceeding Ten Years, the full and exclusive Right and Liberty of making, constructing, using, and vending to others to be used, the said new Invention or Discovery; which Letters Patent shall be good and available to the Grantee

tee or Grantees therein named, by force of this Act, and shall be recorded in the Office of the Secretary of this Province in a Book to be kept for that Purpose, and shall be delivered to the Patentee or Patentees : Provided always, that before the Great Seal of this Province shall be affixed to any such Letters Patent, or the same shall be issued and signed as aforesaid, such Letters Patent shall be delivered to His Majesty's Attorney General of this Province, who shall examine the same, and shall, if he find the same conformable to this Act, certify accordingly, and return the same within Thirty Days into the Office of the Secretary of the Province, to be issued and signed.

II. And be it enacted, That where any Letters Patent shall be obtained by any Person or Persons in Manner aforesaid, for any new and useful Invention and Discovery in any Art, Machine, or Composition of Matter, and thereafter any other Person or Persons shall discover any Improvement in the Principle or Process of any such Art, Machine, or Composition of Matter, for which such Patent hath been granted, and shall make Application for and obtain Letters Patent under this Act, for the exclusive Right of such Improvement, it shall not be lawful for the Person or Persons who shall obtain and procure Letters Patent for any such Improvement, to make, use or vend the original Invention or Discovery, nor for the Person or Persons who shall have procured Letters Patent for the original Invention or Discovery to make, use, or vend any such Improvements.

Patentee of an original Invention or Discovery, or Patentee of Improvement thereon, not to use or vend other than their own Inventions or Improvements.

III. Provided always, and it is hereby declared and enacted, That simply changing the Form or the Proportions of any Machine or Composition of Matter in any Degree, shall not be deemed a Discovery or Improvement within the meaning of this Act.

Changing the Form or Proportion of any Machine &c. not to be deemed an Improvement.

Copies of Patents, Petitions, &c. may be obtained from the Secretary's Office.

IV. And be it enacted, That it shall and may be lawful for any Person or Persons to obtain and receive from the Office of the Secretary of the Province, any Copy or Copies of any such Letters Patent, or of the Petition whereon the same were granted and issued, or of any Paper connected therewith, or any drawing relating to the same.

Applicants for Patents to make Oath as to their being the true Inventor &c.

V. And be it enacted, That before any Person or Persons shall obtain or receive any Letters Patent under this Act, such Person or Persons, or some or One of them, shall make Oath, or if a Quaker shall make solemn Affirmation, in Writing, before some One of His Majesty's Justices of the Supreme Court of the Province, or some Commissioner for taking Affidavits in the said Court, that he, she or they do verily believe that he, she or they is or are the true Inventor or Inventors, Discoverer or Discoverers of the Art, Machine, Composition of Matter or Improvement, for which he, she or they solicit Letters Patent, and that such Invention or Discovery hath not, to the best of his, her or their Knowledge or Belief, been known or used in this Province, or in any other Country; which Oath or Affirmation shall be delivered in with the Petition for such Letters Patent.

A full Description of Inventions, accompanied with Drawings, Specimens of Ingredients &c. to be filed in the Secretary's Office with Petitions for Patents.

VI. And be it enacted, That together with such Petition and Oath or Affirmation, before any Person or Persons shall receive or obtain any Letters Patent as aforesaid, such Person or Persons shall also deliver into the Office of the Secretary of the Province, a written Description of his Invention, and of the Manner of using or process of compounding the same, in such full, clear and exact Terms as to distinguish the same from all other Things before known, and to enable any Person skilled in the Art or Science of which it is a Branch, or with which it is most closely connected, to make, compound, and use the same, shall

shall explain the Principle and the several Modes in which such Person or Persons have or hath contemplated the Application of that Principle or Character, by which it may be distinguished from other Inventions, and shall accompany the Whole, with Drawings and written References, where the Nature of the Case admits of Drawings, or with Specimens of the Ingredients, and of the Composition of Matter, sufficient in Quantity for the Purpose of Experiment, when the Invention is a Composition of Matter; which Description signed by such Person or Persons so applying for such Letters Patent, and attested by Two Witnesses, shall be filed in the Office of the Secretary of the Province, and Copies thereof certified under the Hand of the Secretary or Deputy Secretary of the Province, shall be Competent Evidence in all Courts where any Matter or Thing touching or concerning the said Letters Patent shall or may come in Question.

Certified Copies to be competent Evidence touching the Patents.

VII. And be enacted, That any Patentee, his Executors or Administrators, may assign and transfer all his Right, Title and Interest in the said Invention and Discovery, in the Letters Patent to him granted, to any Person or Persons whomsoever; and the Assignee or Assignees thereof having recorded the said Assignment in the Office of the Secretary of the Province, shall thereafter stand in the Place or Stead of the original Patentee, as well as to all Right, Privilege and Advantage, as also in Respect of all Liability and Responsibility as to the said Letters Patent and the Invention and Discovery thereby secured; and in like Manner shall the Assignee or Assignees of any such Assignee or Assignees stand and be considered to be in the Place and Stead of the original Patentee or Inventor.

Patentees may assign their Rights in Patents.

VIII. And be it enacted, That whenever, in any Case, any Letters Patent shall be or shall or may have been granted to any Person or Persons under

Persons making, using or selling Patent Articles to be liable to

the Patentee in
Three Times the
actual Damage.

der and by virtue of this Act, and any Person or Persons, without the Consent of the Patentee or Patentees, his, her or their Executors, Administrators or Assigns, First had and obtained in Writing, shall make, devise, use, or sell the Things, Invention or Discovery whereof the exclusive Right is secured to the said Patentee or Patentees by such Letters Patent, such Person or Persons so offending shall forfeit and pay to the said Patentee or Patentees, his, her or their Executors, Administrators or Assigns, a Sum equal to Three Times the actual Damage sustained by such Patentee or Patentees, his, her or their Executors, Administrators or Assigns, for or by reason of such Offence; which Sum shall and may be recoverable, together with Costs of Suit, by Action on the Case founded on this Act in the Supreme Court of this Province.

Defendant may
plead the general
Issue, and
give this Act
and any special
Matter in Evi-
dence.

IX. Provided always, and be it enacted, That the Defendant or Defendants in such Action shall be permitted to plead the general Issue, and give this Act and any special Matter in Evidence, tending to prove that the Specification filed by the Patentee or Patentees does not contain the whole Truth relative to the Invention or Discovery therein alleged to have been made by the said Patentee or Patentees, or that it contains more than is necessary to produce the described Effect (which Concealment in addition shall fully appear to have been made for the Purpose of deceiving the Public), or that the Thing, Invention, or Discovery thus secured by Letters Patent as aforesaid, was not originally discovered by the Patentee or Patentees, but had been in Use, or had been described in some public Work, anterior to the supposed Invention or Discovery of the said Patentee or Patentees, or that the said Patentee or Patentees had surreptitiously obtained Letters Patent as aforesaid, for the Invention or Discovery of some other Person or Persons; in either
of

of which Cases, upon sufficient and legal Proof thereof, a Verdict shall be returned, and Judgment shall be entered for the said Defendant or Defendants with Costs; and the said Letters Patent shall thereupon be and become, and shall by the said Court be adjudged, void and of no Effect.

X. Provided also, and be it enacted, That no Action shall be brought against any Person or Persons whomsoever, for any Offence committed against the Provisions of this Act, unless the same be commenced within the Space of Six Calendar Months next after the Discovery of every such Offence committed.

Actions to be commenced within Six Months after Discovery of Offence.

CAP. XXVIII.

An Act to alter the Division Line between the Counties of York and Carleton.

Passed 22d March 1834.

‘ **WHEREAS** the Line at present established between the Counties of York and Carleton has been found inconvenient;’

Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing this of Act, the Division Line between the Counties of York and Carleton shall be as follows: Commencing at the Monument situate at the Source of the Cheputnetikook, and running by the true Meridian a due East Course till it strikes Eel river; thence following the several Courses of the said Eel River, along its Northern Bank, to the Point where the upper Line of Lot Number Forty six, granted to Isaac Attwood, intersects the said Eel River (such Intersection of said upper Line of Lot Number Forty six, being the Intersection nearest and most contiguous to the River Saint John); thence
along

Division Line between York and Carleton altered as herein described.

along the said upper Line of Lot Number Forty six aforesaid to the River Saint John; thence crossing the said River Saint John to meet the upper Line of Lands granted to Matthew Phillips; thence along the said Line North Forty five Degrees East, by the Magnet of the Year One thousand seven hundred and ninety, and a Continuation thereof, until it strikes the Division Line between the County of Northumberland and the said Counties of York and Carleton.

CAP. XXIX.

An Act for further improving the Administration of Justice in Criminal Cases.

Passed 22d March 1834.

Clerks of the Peace to assist the Justices in Examination of Persons arrested for Felony.

BE it enacted by the Lieutenant Governor, Council and Assembly, That it shall be the Duty of the Clerk of the Peace in each and every County, or City and County, in this Province, to advise and assist any Justice or Justices of the Peace in such County, when required by any such Justice or Justices, in any Examination or other Proceeding had before such Justice or Justices, in regard to any Person arrested on a Charge of Felony, or Suspicion of Felony, and to attend every such Examination where the same shall take Place within the Distance of Forty five Miles from the Court House of the County, or City and County; and that a reasonable Compensation for such Services performed by any Clerk of the Peace shall be made out of the Funds of the County, or City and County, in like Manner with other County Charges, by Order of the Justices of the Peace at any General Sessions.

Compensation to Clerks.

CAP. XXX.

An Act for the further Regulation of the Formation of the Court of Governor and Council for the Determination of all Suits and Controversies touching and concerning Marriage and Divorce.

Passed 22d March 1834.

‘ **W**HEREAS since the passing of the Act Preamble.
 ‘ of the Thirty first Year of the Reign of His late 31 G. 3. C. 5.
 ‘ Majesty King George the Third, intituled *An*
 ‘ *Act for regulating Marriage and Divorce, and*
 ‘ *for preventing and punishing Incest, Adultery*
 ‘ *and Fornication*, an Alteration in the Constitu-
 ‘ tion of His Majesty’s Council of this Province
 ‘ having taken Place, by separating the Execu-
 ‘ tive from the Legislative Council, and thereby
 ‘ dividing them into Two distinct Bodies, it has
 ‘ become necessary to make some further Provi-
 ‘ sions in respect to the Constitution of the Court
 ‘ of Governor and Council constituted and ap-
 ‘ pointed in and by the Fifth Section of the herein
 ‘ before in Part recited Act;’

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, the Members of the said Court of Governor and Council, in and by the said Fifth Section of the said herein before in Part recited Act mentioned and constituted, shall consist of the Lieutenant Governor or Commander in Chief of, and His Majesty’s Executive Council for, the said Province, for the Time being, together with any One of the Judges of the Supreme Court, or the Master of the Rolls of the said Province, to be from Time to Time for that Purpose appointed, as Vice President of the same Court; which Appointment of such Vice President to be made in Manner as directed by the Seventh Section of the said herein before in Part recited Act; and such Vice President when so appointed shall have, hold and exercise, in the Absence of the said

Court of Governor and Council to consist of the Lieutenant Governor or Commander in Chief, and the Members of the Executive Council, with a Judge of the Supreme Court, or the Master of the Roll: as Vice President.

Lieutenant Governor to be President.

Vice President and Two of the Members of the Executive Council to constitute a Court for Despatch of Business.

Court of Governor and Council hereby constituted vested with the Powers &c. of the Court constituted by 31 G. 3. C. 5.

Lieutenant Governor, all the Powers, Privileges, Authority and Jurisdiction mentioned and declared in and by the said Seventh Section of the said herein before in Part recited Act; and that the Lieutenaut Governor or Commander in Chief of the said Province for the Time being, shall and is hereby declared to be President of the said Court; but the said Vice President so to be appointed as aforesaid, and any Two Members of His Majesty's Executive Council for the said Province for the Time being, shall and are hereby declared to be a sufficient Number of Members at all Times to constitute a Court for the Despatch and determining of all Matters of Business brought before the said Court that may be within the Jurisdiction of the same.

II. And be it enacted, That the said Court of Governor and Council so constituted as in and by this Act is directed, shall have all the Powers, Authority, Privileges, Judicature and Jurisdiction, that are given to the Court of Governor and Council mentioned and constituted in and by the said herein before in Part recited Act; and that all the Provisions of the said herein before in Part recited Act, so far as the same relate to the Court of Governor and Council therein mentioned, and to all Matters within the Jurisdiction thereof, shall also extend and be construed to extend and apply to the Court of Governor and Council in this Act mentioned and constituted, except so far as the same are hereby altered as to the Constitution of the said Court.

CAP. XXXI.

An Act further to continue the Laws relating to the Fisheries in the County of Northumberland.

Passed 22d March 1834.

Preamble.

‘ **W**HEREAS the Laws now in Force regulating

‘lating the Fisheries in the County of Northum-
berland will expire on the Tenth Day of May
‘next;’

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Thirty ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating the Fisheries in the County of Northumberland*; and also an Act made and passed in the Fifty sixth Year of the same Reign, intituled *An Act in Amendment of an Act, intituled An Act for regulating the Fisheries in the County of Northumberland*; and also an Act made and passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act in further Amendment of the Laws for regulating the Fisheries in the County of Northumberland*, so far as the said several Acts are now in Force, be and the same are hereby continued and declared to be in Force until the Tenth Day of May which will be in the Year of our Lord One thousand eight hundred and thirty six.

39 G. 3. C. 5.

56 G. 3. C. 3.
and4 G. 4. C. 23,
Continued.

CAP. XXXII.

An Act to amend the Law relating to Assessments in this Province.

Passed 22d March 1834.

‘**W**HEREAS by the Act of Assembly made and passed in the Third Year of His present Majesty’s Reign, intituled *An Act to continue and amend the Act for regulating Assessments in this Province*, Provision is not expressly made for an Assessment on the Real Estate of Non Residents, although by the general Tenor thereof, the same was evidently intended; for Remedy whereof,’

Preamble.

3 W. 4. C. 26.

I. Be it enacted by the Lieutenant Governor,
Council

3 W. 4. C. 26,
S. 3 repealed.

Council and Assembly, That the Third Section of the above recited Act be and the same is hereby repealed; and in Lieu thereof,

Assessments to be made at the Discretion of the Assessors in equal Proportions upon the Inhabitants and upon the Real Estate of Non Residents.

II Be it enacted, That from and after the passing of this Act, all Sums of Money to be assessed and raised for any County, Town or Parish Charges and Expenses, under or by virtue of any Act or Acts of Assembly now in Force, or for that Purpose to be hereafter made, shall be assessed, levied and raised in Manner following; (that is to say,) Every such Sum together with the Expenses of collecting the same, shall be assessed, at the best Discretion of the Assessors, in just and equal Proportion upon the said Inhabitants of such Town or Parish, according to the Means and Ability of the said Inhabitants, and upon the Real Estate of Non Residents.

So much of 1 W. 4. C. 26, as allows a per Centage to Assessors repealed.

III. And be it enacted, That so much of an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act to regulate Assessments in this Province*, which allows a per Centage to any Assessor or Assessors for making an Assessment, be and the same is hereby repealed.

Limitation.

IV. And be it enacted, That this Act shall continue and be in Force during Continuance of the said recited Act, to which this is an Amendment and no longer.

CAP. XXXIII.

An Act more effectually to provide for the Support of a nightly Watch in and for lighting the City of Saint John, and for other Purposes.

Passed 22^d March 1834.

Preamble.

‘ **W**HEREAS the Establishment of a Nightly Watch, and lighting the Streets, and the Appointment of Scavengers, in and for the City of Saint John, are of very great Importance, for the

‘ the Preservation of the Persons and Property of
 ‘ the Inhabitants, to prevent Fires and Robber-
 ‘ ies, and other Outrages and Disorders, and to
 ‘ insure Cleanliness in the said City ;’

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Mayor, Aldermen and Commonalty of the said City, in Common Council convened, from time to time, to order and appoint such Number of Watchmen and Lamp Lighters as they shall judge necessary and proper to be kept within the District on the Eastern Side of the Harbour of the said City, and to direct how they ought to be armed, and how they shall watch and attend to the Lamps of the said City, and what Wages and Allowances shall be given to the said Watchmen and Lamp Lighters for their Attendance, and shall also from time to time order and appoint what Number of Scavengers they shall judge necessary and proper to be kept within the said District, and to direct how they shall attend to the Cleanliness and good Order of the Streets therein, and what Wages shall be given to the said Scavengers for their Services, and shall make all such other Orders and Regulations as the Nature of each particular Service shall seem to require.

Common Council to appoint and regulate Watchmen, Lamp Lighters and Scavengers for the Eastern side of the Harbour of Saint John.

II. ‘ And for the better raising and levying the
 ‘ Money for paying the Wages of the said night-
 ‘ ly Watchmen, Lamp Lighters and Scavengers
 ‘ and other Charges incidental thereto;’ Be it enacted, That the Mayor, Aldermen and Commonalty of the said City of Saint John, in Common Council assembled, may and they are hereby authorized and empowered, once in every Year, between the First Day of April and the First Day of May in each and every Year, to determine and direct what Sum or Sums of Money shall be raised and levied upon the Inhabitants

Common Council may order a Yearly Assessment to pay the Expenses.

tants in the District on the Eastern side of the Harbour of the said City, for answering the Purposes aforesaid, and to direct by Warrant under their Common Seal to the Assessors herein after mentioned to make a Rate and Assessment in due Proportion upon all and every Person or Persons who do or shall inhabit, hold, occupy and enjoy any Land, House, Shop, Warehouse or other Tenement, within the District on the Eastern Side of the Harbour of the said City; Provided always, That the Sum to be assessed upon any One Person in any One Year, shall not exceed the Sum of Seven Pounds Ten Shillings; and the said Assessors are hereby authorized and required to make such Rate and Assessment; which same Rate and Assessment so to be made, shall be collected by a Collector to be, by the said Mayor, Aldermen and Commonalty of the said City, for that Purpose from Time to Time appointed; and in case any Person or Persons so rated and assessed shall neglect or refuse to pay the said Sums so rated upon him, her or them, it shall and may be lawful for the said Collector to sue for and recover the same by Action of Debt in the Court of Common Pleas, or City Court of the said City, in like Manner as any other Debt can or may be sued for, prosecuted and recovered in the said Courts.

Assessment on One Person not to exceed £7 10s per Annum.

Assessment to be collected by a Collector appointed for that Purpose.

Persons aggrieved by Assessment may appeal to the Common Council.

III. Provided always, and it is hereby enacted, That in case any Person or Persons shall think him, her or themselves aggrieved by any Rate and Assessment to be made as aforesaid, it shall and may be lawful for them respectively, within the Space of Five Days after the Sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, and whose Decision shall be final and conclusive; and that a Memorandum in Writing of such Appeal, filed in the Common Clerk's Office, within the said Time, shall suspend further Proceedings until such Decision shall be had.

IV. And be it enacted, That it shall and may be lawful for the said Watchmen or any of them, and they are authorized and required in their several Stations, during the Time of their keeping Watch as aforesaid; to apprehend all Night Walkers, Malefactors, Rogues, Vagabonds and other disorderly Persons whom they shall find disturbing the public Peace, and to carry him, her or them as soon as conveniently may be before the Mayor, Recorder or One of the Aldermen of the said City, or a Justice of the Peace for the City and County of Saint John, to be examined and dealt with according to Law.

Watchmen may apprehend Night Walkers, &c. disturbing the Peace.

V. Provided always, and be it enacted, That in case there should be any Deficiency in any One Year's Assessment so to be made as aforesaid, so that the Wages and Allowances to Watchmen, Lamp Lighters and Scavengers, and every other incidental Charges, cannot be fully satisfied, paid and discharged in that Year, such Deficiency shall be made up in and paid out of the next succeeding Year's Rate and Assessment; and if there shall happen to be any Overplus Money collected by such Rate or Assessment as aforesaid in any One Year, such Overplus shall be carried on to the Credit of the Account of the next Year's Rate and Assessment, and shall be applied for such Uses and in such Manner as the Rates and Assessments collected are by this Act directed to be laid out and applied, and to no other Use or Purpose whatsoever.

Deficiency in One Year's Assessment to be made up in the next Assessment.

Surplus of Assessment to be carried to the Credit of next Year's Assessment.

VI. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the said City, to appoint annually Three discreet Persons, being Freemen of the said City, to act as Assessors under this Act, who shall be sworn to the faithful Discharge of such Duty before the Mayor or Recorder of the said City; and any Person so appointed who shall neglect or refuse to accept the said Appointment

Mayor &c. to appoint Three Assessors annually.

Persons appointed and not performing the Duty to forfeit £5.

or to become qualified, or having become qualified, shall refuse to perform his Duty, shall for each and every Neglect or Refusal forfeit and pay the Sum of Five Pounds, to be recovered on Conviction before the Mayor or Recorder of the said City, and levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of the said Mayor or Recorder, and paid into the Hands of the Chamberlain of the said City, to be applied for such Uses and in such Manner as the Rates and Assessments collected under this Law, and for no other Use whatsoever; and the said Mayor, Aldermen and Commonalty of the said City, may appoint some other Person or Persons being Freemen in the Place or Places of any Person or Persons refusing to Act, or to become qualified as required by this Act, so often as such shall be the Case; which Person or Persons so to be appointed in the Place or Places of such Person or Persons so neglecting or refusing, shall be liable to the same and like Penalties for Neglect or Refusal as the said Persons First appointed, to be in like Manner recovered, paid and applied, and so on as often as the Case may happen.

Recovery.

Application.

Collector to pay the Money to the Chamberlain.

VII. And be it enacted, That the said Collector herein before mentioned to be appointed, shall from Time to Time as he shall receive the same, pay the Money by him collected into the Hands of the Chamberlain of the said City for the Time being, who is hereby directed to keep a separate Book to be by him appropriated for that particular Purpose.

To be deemed a public Act.

VIII. And be it enacted, That this Act shall be deemed, adjudged and taken to be a public Act, and be judicially taken Notice of by all Judges, Justices and other Persons whatsoever, without pleading the same.

Limitation.

IX. And be it enacted, That this Act shall continue and be in Force until the First Day of April

April in the Year of our Lord One thousand eight hundred and thirty nine.

CAP. XXXIV.

An Act to authorize the Justices of the General Sessions of the Peace for the City and County of Saint John to levy an Assessment to enable them to pay off the County Debt.

Passed 22d March 1834.

WHEREAS it is necessary and expedient Preamble.
 ' that the Justices of the Peace for the City and
 ' County of Saint John should be authorized and
 ' empowered to levy a Sum by Assessment in the
 ' said City and County for paying off the Debts
 ' of the said County ;'

Be it enacted by the Lieutenant Governor, Council and Assembly, That the said Justices of the Peace for the said City and County, be and they are hereby authorized and empowered at any General Sessions of the Peace to be hereafter holden, to issue their Warrant or Warrants for assessing a Sum not exceeding the Sum of Seven hundred and fifty Pounds, for the Purpose of paying off the Debts that are due by the said County ; the same Sum to be assessed, levied, collected and paid in such Proportion, and in the same Manner as any other County Rates can or may be assessed, levied, collected, and paid by virtue of any Act or Acts now in Force for assessing, collecting, and levying County Rates, or any other Act hereafter to be made for the like Purpose.

Justices may issue their Warrant for assessing £750 to pay off County Debts.

CAP. XXXV.

An Act in furtherance of and to regulate Juvenile Emigration from Great Britain to this Province.

Passed 22d March 1834.

Preamble.

‘ **WHEREAS** the great and increasing Demand for Labour, and the consequent high Rate of Wages in this Province, render it desirable to adopt Measures to answer the same, in a Manner less burdensome and expensive than at present : And Whereas a Society has lately been formed in England, in aid of poor Children, and for the Prevention of Juvenile Vagrancy, whereof the Right Honorable the Earl Grosvenor was President; which said Society have formed an Establishment for the Care, Education and Maintenance of poor Children therein, with a View to binding them out as Apprentices in England or to respectable Individuals in the Colonies : And Whereas in order that Persons in this Province desirous of obtaining Children from the said Institution, may be enabled to exercise a legal Right over them, after they shall have incurred Expense in bringing them to this Province, it is necessary that some Persons in the Province, be authorized to act as Guardians for such Children, and to execute Indentures of Apprenticeship to bind the said Children;’

Governor to appoint Three Commissioners to carry into Effect the Provisions of this Act.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or the Commander in Chief for the Time being, and he is hereby authorized and empowered, to appoint and nominate Three Persons as Commissioners for the Purposes hereinafter mentioned, and the same or any of them, at his Pleasure, to displace and appoint others in their Stead, or in case of the Death or Resignation of any of them, to fill up the Vacancies so occasioned; which said Commissioners are hereby vested with

with full Power and Authority to carry into Effect the several Provisions in this Act hereinafter contained.

II. And be it enacted, That the said Commissioners shall appoint a Secretary, to whom shall be forwarded all Proposals and Applications for Children to be imported under the Provisions of this Act; which said Proposals and Applications, if approved of by the said Commissioners or any Two of them, shall be forwarded by the said Commissioners to the said Society in England.

Commissioners to appoint a Secretary to whom Applications for Children shall be made.

III. And be it enacted, That whenever and so often as any Children, either male or female, shall be sent from England to this Province by the said Society, to the Care of the said Commissioners, a List of such Persons shall be forwarded and sent with them by the said Society to the said Commissioners, in which shall be particularly specified the Names and Ages, and, if known, the Parentage of each and every of such Children; and the Statements in any such List, shall be considered and taken as *prima Facie* Evidence of the Facts therein contained.

Lists specifying Names, Ages and Parentage of Children to be sent with them from England.

IV. And be it enacted, That on the Arrival of any such Children so to be sent out as aforesaid, it shall and may be lawful for the said Commissioners, or any Two of them, by and with the Consent of such Children, to be signified by their Signature to the Indenture to be made in the Presence of a Justice of the Peace for the County where the Indenture shall or may be executed, or in case of the Refusal of any of them to consent, by and with the Consent of Two of His Majesty's Justices of the Peace in the County where the Person to whom such Child or Children is or are proposed to be bound, to be signified as aforesaid, by Writing indented under their Hands and Seals, to bind out such Children as Apprentices to the Persons at whose Instance they may have been sent out, or to such other Persons as may be desirous

Commissioners to bind the Children as Apprentices, Males until 21 Years and Females until 18 Years of Age.

sirous of obtaining them, the Males until they arrive at the Age of Twenty one Years, and the Females until they arrive at the Age of Eighteen Years; their Ages to be respectively ascertained and computed according to the Statements in the Lists accompanying them as aforesaid: which said Indentures shall be and be considered good, valid and binding to all Intents and Purposes, and the said Apprentices and their Masters shall be subject and liable to the Laws now in Force, or which may hereafter be made relating to Apprentices, or indented Servants.

Commissioners to protect said Apprentices and enforce Covenants in Indentures.

V. And be it enacted, That it shall be the Duty of the said Commissioners for the Time being, to afford all lawful and necessary Protection to the said Apprentices, and to enforce the Performance of the Covenants which may be contained in any Indenture, for the Benefit of such Apprentices; and if any Person shall neglect or refuse to perform the Conditions of any Indenture to be made in pursuance of this Act, he shall be liable and subject to an Action upon such Indenture, at the Suit of the said Commissioners for the Time being, as Guardians for any such Apprentice.

Commissioners not to be liable for Expense of bringing out Children.

VI. And be it enacted, That the said Commissioners shall not be liable for any Expenses incurred in bringing out or supporting the said Children, farther than they themselves shall expressly undertake and become answerable for the same; and that any Indenture to be made by any Persons as Commissioners under this Act, shall enure to and be good, valid and binding upon, and in favor of, their Successors to be appointed as aforesaid.

Limitation.

VII. And be it enacted, That this Act shall continue and be in Force for Two Years and no longer: Provided always, that any Indenture made in pursuance of this Act shall still continue good, and valid, notwithstanding the Expiration of this Act.

Proviso.

CAP.

CAP. XXXVI.

An Act in Addition to and in Amendment of an Act passed in the Twenty sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for Relief against absconding Debtors.* 31 G. 3. C. 13.

Passed 22d March 1834.

WHEREAS the Laws now in Force relating to absconding Debtors, have in many Respects been found defective, and in some Cases 'oppressive;'

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the Fourth, Seventh and Eleventh Sections of the said recited Act, be and the same are hereby repealed.

26 G. 3. C. 13, S. 4, 7 and 11 repealed.

II. Be it enacted, That if any Sheriff or Sheriffs shall by virtue of any Warrant or Warrants hereafter to be issued in pursuance of this or the above recited Act, through Ignorance or Want of proper Information, seize and take any Goods, Chattels or Effects which shall or may be claimed or challenged by any Person or Persons as his or their Property, it shall and may be lawful for such Sheriff, thereupon to summon and swear a Jury of Twelve discreet Persons, competent by Law to serve as Petit Jurors, to inquire into and try the Right of Property thereof; and if such Jury shall, upon such Inquest, find the Right of Property of such Goods, Chattels or Effects to be in the Person or Persons so claiming the same, or in any other than the Person or Persons against whose Estate or Effects such Warrant or Warrants did issue, such Sheriff shall, forthwith after such Inquisition had and taken, deliver such Goods, Chattels or Effects in the like good Order and Condition in which they were seized and taken, to the Person or Persons in whom the Property thereof shall be so found, or to his, her or their Agent, Attorney or Assigns; and such Sheriff shall not in such Case be liable to any Suit

Sheriff seizing Goods claimed by any Person, to summon a Jury to try Right of Property.

Sheriff to deliver up the Goods, if the Jury find for the Claimant, and in such Case not to be liable to a Prosecution.

or

Charges of Seizure and Inquest, how to be paid.

or Prosecution for his having seized and taken such Goods, Chattels or Effects through Ignorance or for Want of proper Information : and all reasonable Charges arising from such Seizure, and Inquest as aforesaid, shall be allowed, and certified by the Judge or Judges who issued such Warrant, and paid by the Trustees out of the Effects or Estate of the absconding or concealed Person or Persons, against whose Estate and Effects such Warrant issued, if the Property of such Goods, Chattels or Effects so claimed shall by such Inquisition be found to be in any other than the Person or Persons against whose Estate or Effects such Warrant issued ; but if the Property of the Goods, Chattels or Effects so claimed shall by such Inquisition be found to be in the Person or Persons against whose Estate or Effects the Warrant of Attachment which caused them to be seized did issue, then all Costs, Charges and Expenses accrued or arising by such Claim and Inquisition, or either of them, shall be paid and borne by the Person or Persons who claimed the same from the Sheriff, or applied for Inquisition to be had, or occasioned the same to be had and taken, to be recovered by Action of Debt or Assumpsit, at the Suit of the Trustees on the said Estate.

Decision of Jury to be conclusive unless Notice be given within Six Days after the Inquisition and Action be brought within Three Months.

III. And be it enacted, That the Decision of the Jury on any such Inquisition, shall in all Cases be final and convulsive, and a good Bar to any Action that may thereafter be brought by the Party or Parties against whom such Inquisition may be found, unless written Notice to the contrary shall be given by the Party or Parties failing on that Inquisition, to the Sheriff or Person holding such Inquisition, within Six Days after taking such Inquisition, and unless such Action be brought within Three Calendar Months from the Time of taking the same ; and that all Inquisitions had and taken by any Sheriff by virtue of this

Return of Inquisition.

this Act, shall be returned in Writing under the Hands and Seals of the Sheriff and Jury taking the same, and filed by him in the Court out of which such Warrant issued.

IV. And be it enacted, That if any Person or Persons against whose Estate or Effects such Warrant or Warrants of Attachment shall have issued, shall, at any Time before the Appointment of Trustees for all the Creditors of such Debtor be made either by himself or by his Attorney or Agent, by Petition to the Judge or Judges who issued such Warrant, or to any other Judge of the same Court, offer to prove to the Court of which the Judge who issued such Warrant is a Judge, in open Court, that he, she or they against whose Estate and Effects such Warrant or Warrants issued, is or are resident within this Province, and was or were not at the Time such Warrant issued, nor within Thirty Days preceding, nor at any Time since, an absconding or concealed Debtor, and thereby pray that the same may be heard and determined at the then next sitting of such Court, and shall and do at the same Time execute and deliver to the Creditor or Creditors who applied for and obtained such Warrant or Warrants of Attachment, a Bond with good and sufficient Security, to be approved of by the said Judge or Judges, if in the Supreme Court, in the Sum of Forty Pounds, if in any of the Inferior Courts, in the Sum of Twenty Pounds, with a Condition thereunder written, that if such Person or Persons, by Name, against whose Estate or Effects such Warrant or Warrants issued, do and shall well and truly pay or cause to be paid all the Expenses the Obligees or Obligee may be put to in opposing or attending such Application, to be taxed and allowed by the Court issuing such Warrant, in case the Person or Persons against whom such Warrant or Warrants issued, do not prove to the Satisfaction

Court on Proof that the Party is or was not an absconding or concealed Debtor, may grant a Supersedeas to the Warrant of Attachment.

tisfaction of the said Court out of which such Warrant issued, at the then next Term, or at such other Time as the said Court may order and appoint for hearing the same, that he, she or they is or are then resident within this Province, and was or were not at the Time such Warrant or Warrants issued, nor within Thirty Days preceding the issuing thereof, nor at any Time after, an absconding or concealed Debtor within the meaning of this Act, then the said Obligation to be void, otherwise to remain in full Force and Virtue, then and in every such Case the Judge or Judges who issued such Warrant or Warrants shall report his or their Proceedings in the Premises to the next Court whereof he or they is or are Judges; which Court is hereby fully authorized and empowered to compel the Parties and their Witnesses to come into Court, and hear the Proofs and Allegations of the Parties and their Witnesses in a summary Way, and thereupon to determine whether the Matter and Things in such Petition have been fully proved and supported; and if such Court shall adjudge and determine that the Matters and Things contained in such Petition have been fully proved and supported, then such Court shall grant a Supersedeas to such Warrant or Warrants, and the Person or Persons against whose Estate and Effects such Warrant or Warrants did issue, shall recover his, her or their Costs, (to be taxed by the said Court in open Court,) of the Creditor or Creditors who procured such Warrant or Warrants of Attachment to be issued, by Action of Debt or Attachment out of the said Court, and shall also have an Action of Damages against the Creditor or Creditors, or other Person or Persons on whose Application such Warrant issued: Provided always, that where the Court out of which such Warrant issued, shall on or immediately after granting such Supersedeas, certify that there was probable Cause

Costs.

Damages.

Certificate of Court as to probable cause of Suspicion to be Bar to Action.

Cause

Cause of Suspicion, and no Malice on the Part of the Party or Parties causing such Warrant to be issued, then and in such Case such Certificate shall and may be pleaded in Bar to such Action.

V. And be it enacted, That if any Person or Persons indebted to such absconding or concealed Debtor or Debtors, or having the Custody of any Goods, Chattels or Effects, or other Thing or Things whatsoever, of such absconding or concealed Person or Persons, shall conceal the same, and not deliver a just Account thereof, to such Trustees as aforesaid, or One of them, by the Day for that Purpose by them appointed, he, she or they so concealing shall forfeit Double the Sum of the Debt or Debts, or Double the Value of the Goods, Chattels, Effects or other Thing or Things so concealed, to be recovered by the said Trustees in any Court within this Province having Jurisdiction to the Amount of such Forfeiture, and applied as hereinafter is directed; which said Courts or either of them are hereby respectively fully empowered, by Order of Court, on the Application of the said Trustees, to compel to come before such Court all and every Person and Persons suspected of concealing, or of being concerned in concealing, the Debts, Goods, Chattels and Effects of the said absconding or concealed Debtor, and them respectively to examine upon Oath touching the Premises, and to commit them or either of them, if they refuse to be so examined, or being so examined refuse to answer fully and satisfactorily to such Court, or refuse to obey the Order and Decision of such Court.

Persons indebted to, or in Custody of Goods of an absconding Debtor, and not giving a just Account thereof, to forfeit Double the Debt or Value of Goods.

VI. And be it enacted, That in order to obviate the Difficulties and Inconvenience felt in remote Situations in this Province, where there are no Judge or Judges of the Supreme Court residing, arising from the Necessity of sending to a Judge of the Supreme Court, where the Proceedings are intended to be instituted in that

Judges of Supreme Court to appoint Commissioners to examine Persons applying for Warrants of Attachment.

Court, to obtain a Warrant against an absconding Debtor's Estate, that it shall and may be lawful hereafter for the Judges of the Supreme Court, during Term Time, and they are hereby fully authorized and empowered to appoint Three Commissioners in such Situations or Places in the several Counties in this Province as in the Opinion of such Court require the same, for the Purpose of taking the Examination of the Person or Persons applying for a Warrant against an absconding or concealed Debtor or Debtors' Goods, Chattels and Effects; which said Commissioners or any Two of them when so appointed and sworn as hereinafter directed, are hereby fully authorized and empowered to take the Examination in Writing of any Person or Persons applying for such Warrant, and upon the Proof required by the above recited Act of which this is an Amendment being duly made before them or any Two of them of the Debt due, and of the Absconding or Concealment of the Debtor or Debtors, to their Satisfaction, to issue a Warrant or Warrants against such absconding or concealed Debtor's Goods, in the Name of the Chief and Senior Justice of the said Supreme Court, and returnable therein, and in every Respect agreeable to the Form of the Warrant issued and adopted by the Judges of the same Court; which Warrants when so issued shall be as valid and effectual, to all Intents and Purposes, as if issued by the Judges of the said Court or One of them, and the same Proceedings shall be had therein as if issued by the said Court, or any One of the Judges thereof, any Thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that the said Commissioners taking such Examination, and issuing such Warrant, shall forthwith after the taking such Examination and issuing such Warrant transmit the Examination and Proof upon which they issued such

Commissioners
may issue War-
rants in the
Name of the
Chief or Senior
Judge of the
Court.

Proviso.

such Warrant to the Chief Justice, or, in his Absence, to the next Senior Judge of the said Court, with a Memorandum of the Date and Time of issuing such Warrant, also of the Name of the Creditor or Creditors at whose Instance such Warrant was issued, and of the Person or Persons against whom such Warrant issued.

VII. And be it enacted, That before the said Commissioners, or any of them, enter upon the Duties of their said Office, they shall be respectively sworn before the said Court, or One of the Judges thereof, or before a Commissioner of the said Court for taking Affidavits, or before a Commissioner to be for that Purpose appointed by His Excellency the Lieutenant Governor or Commander in Chief for the Time being to administer such Oath, to the due and faithful Discharge of the Duties of their said Office; which Oath shall be endorsed on the Back of their Commission or respective Commissions appointing them to such Office.

Commissioners to be sworn to the faithful Discharge of Duty.

VIII. And whereas by the Sixteenth Section of the said Act of which this is an Amendment, it is among other Things enacted, that if any Surplus shall remain after all just Debts and legal Charges and Commissions are fully paid and satisfied, such Surplus shall be paid or delivered to the said absconding or concealed Person or Persons, his, her or their Executors, Administrators or Assigns; but as in the Event of no such Person or Persons appearing or being present to whom such Surplus should be paid or delivered, it is necessary that some Person should be authorized to receive the same; Be it therefore enacted, That the said Surplus shall in that Case be paid or delivered to a Receiver to be appointed by the Court wherein the Proceedings have been had.

Surplus after Payment of Debt &c. to be paid to a Receiver to be appointed by the Court, when the Person to whom it ought to be paid does not appear.

IX. And be it enacted, That when the Account of the Proceedings, and Accounts of such Trustees,

Discharge of Trustees from Office and Liabilities.

Trustees, are duly filed with the Clerk of said Court agreeably to the Directions of the Twenty fourth Section of said Act, and the same is satisfactory to such Court, the said Court shall be and is hereby authorized by Rule or Order of said Court to discharge such Trustees from their Appointment, and from the Performance of all further Duties or Liabilities thereunder.

CAP. XXXVII.

An Act to continue the Acts now in Force for the Relief of insolvent confined Debtors.

Passed 22d March 1834.

Preamble.

‘ **W**HEREAS the Acts now in Force for the Relief of insolvent confined Debtors will expire on the First Day of April next: And Whereas it is expedient that the same be continued;’

10 and 11 G. 4.
C. 30.

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Tenth and Eleventh Years of the Reign of King George the Fourth, intituled *An Act to repeal all the Acts now in Force, for the Support and Relief of confined Debtors, and to make other and more effectual Provisions in lieu thereof*; and also an Act made and passed in

1 W. 4. C. 43.

the First Year of the Reign of King William the Fourth, intituled *An Act to amend the Laws in Force relating to insolvent confined Debtors*; and

2 W. 4. C. 13,
and

also an Act made and passed in the Second Year of the Reign of King William the Fourth, intituled *An Act to continue and amend the Acts relating to the Support and Relief of confined Debtors*; and also an Act made and passed in the

3 W. 4. C. 18
Continued.

Third Year of the Reign of King William the Fourth, intituled *An Act further to amend the Act relating to the Support and Relief of confined*

fined Debtors, be and the same are hereby severally continued and declared to be in full Force until the First Day of April which will be in the Year of our Lord One thousand eight hundred and thirty six and no longer.

CAP. XXXVIII.

An Act in Addition to and in Amendment of an Act made and passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate the Proceedings in Actions of Replevin, and to enable the Sale of Goods distrained for Rent, in case the Rent be not paid in a reasonable Time, and for the more effectual securing the Payment of Rents, and preventing Fraud by Tenants.* 50 G. 3. C. 21.

Passed 22^d March 1834.

WHEREAS the Action of Replevin is frequently used in this Country in other Cases than Distress for Rent, and frequently in the Place of Detinue, Trespass and Trover: And Whereas the Provisions of the Tenth Section of the above recited Act are merely applicable to Cases of Distress for Rent, which has been found in many Cases inconvenient and injurious; for Remedy whereof;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That the Tenth Section of the said recited Act, be and the same is hereby repealed; and in lieu thereof,

II. Be it enacted, in order to prevent vexatious Replevins in all Cases, that from and after the passing of this Act, all Sheriffs and other Officers having the Execution and Return of Writs of Replevin, may and shall in executing every Writ of Replevin, as well in Cases of Distress for Rent, as in all other Cases whatsoever in which the Action of Replevin will lie, take, in the Name of the High Sheriff of the County for the Time being, from the Plaintiff and Two responsible Persons as Sureties, a Bond in Double the

Sheriff executing Writ of Replevin to take Bond from Plaintiff with Sureties.

50 G. 3. C. 21, S. 10, repealed.

the Value of the Goods replevied or seized under such Writ of Replevin, (such Value to be ascertained by the Oath of One or more credible Witness or Witnesses not interested in the Goods replevied or seized by the Sheriff or other Officer under such Writ of Replevin, which Oath the Person executing such Writ of Replevin, is hereby authorized and required to administer,) and conditioned for prosecuting the Suit with Effect and without Delay, and for duly returning the Goods and Chattels replevied or seized in case a Return shall be awarded before any Deliverance be made of the Distress or Goods replevied; and that the Sheriff or other Officer taking such Bond, or his Successor, shall, at the Request and Cost of the Avowant or Person making Connusance in Cases of Distress, assign such Bond to the Avowant or Person as aforesaid, and in all other Cases in Actions of Replevin, at the Request, Cost and Charges of the Defendant, his Executors, Administrators or Assigns, in such Action of Replevin, assign such Bond to the said Defendant or Defendants, his or their Executors or Administrators, by Endorsement on the Back of such Bond, and attesting it under his Hand and Seal, in the Presence of Two or more Witnesses; and if the Bond so taken and assigned be forfeited, the Person or Persons to whom the Sheriff or other Officer taking such Bond by Virtue of the Provisions of this Act shall assign the same, may bring an Action and recover thereon in his own Name; and the Court wherein such Action shall be brought, may, by a Rule of the same Court, give such Relief to the Parties upon such Bond, as may be agreeable to Justice and Reason, and such Rule shall have the Nature and Effect of a Defeasance to such Bond.

Bond to be assigned.
 Notice of Claim of Property in Goods being given to the

III. And be it enacted, That in all Actions of Replevin, whether in Cases of Distress or otherwise, if the Defendant or Defendants in such Action

tion by himself, his Attorney or Agent, shall, within Forty eight Hours after the Seizure of the Property under any Writ of Replevin, give Notice to the Sheriff or other Officer executing the same, that he or they claim an absolute or special Property in the Goods seized under the said Writ, then the said Sheriff shall not deliver the said Property to the said Plaintiff, but shall immediately Return the said Writ of Replevin, with such Claim of Property endorsed thereon, to the Attorney who issued the same, upon which shall be immediately issued by the said Plaintiff the Writ *de Proprietate probanda*, under which the said Sheriff shall summon a Jury, as soon as may be, at some convenient Time and Place, to try such Claim, giving each Party Six Days' previous Notice thereof, unless they both consent to an earlier Day, and in case such Jury shall find such Claim good, then the said Sheriff's Power under the said Writ of Replevin shall be at an End, and the said Sheriff shall forthwith return the said Goods seized to the said Defendant, and the Plaintiff in such Case if he be not satisfied with the Verdict given on such Claim of Property, may resort to his Action of Trespass or Trover; but if such Jury find the Property in the Plaintiff, then the said Sheriff shall replevy and deliver the said Goods to the Plaintiff; which said Writ and Inquisition shall be returned by the said Sheriff, to the Attorney who issued such Writ of Replevin, who is hereby required forthwith to file the same in the Office of the Court in which such Action was commenced: Provided always, That nothing in this act contained shall prevent the Defendant from appearing to such Action, and pleading Property, in the Court out of which such Writ issued, or to which it may be removed.

IV. And be it enacted, That the several Sheriffs of this Province or other Officers to whom any

Sheriff within Forty eight Hours after Seizure, Sheriff to return the Writ with Claim endorsed.

Writ *de Proprietate probanda* to be issued and proceeded on.

Fees for executing Writ of Replevin or *de*

*Proprietate
probanda.*

any Writ of Replevin or Writ *de Proprietate probanda* shall be directed, shall and may demand and have for the executing of the said Writs, and doing all things which they are or shall be legally bound or obliged to do or perform, by virtue of the said Writs, no further or other Fee or Reward, directly or indirectly, than as is set forth in the following Schedule; (that is to say,)

For entering the Writ of Replevin, and endorsing the Time of receiving the same, One Shilling;

For Mileage in travelling to execute the same, to be computed from the Court House to the Place where the Goods and Chattels may be found, and back, each Mile Three-pence;

For executing the Replevin, Six Shillings and Eight-pence;

For making a Return, if common, One Shilling;

For making a Return, if special, Two Shillings and Six-pence;

For entering the Writ *de Proprietate probanda*, and endorsing the Time of receiving the same, One Shilling;

For Mileage, to be computed as above, each Mile Three-pence;

For summoning the Jury, Five Shillings;

For the Constable, Two Shillings and Six-pence;

For swearing the Jury Two Shillings and Six-pence;

For swearing each Witness, or reading a Paper in Evidence, Six-pence;

For attending the Inquest, Five Shillings;

For making out the Inquisition, and returning the Writ *de Proprietate probanda*, Five Shillings;

For an Order to restore the Goods and Chattels, One Shilling;

And any Sheriff or other Officer to whom such Writ

Writ or Writs shall be directed, who shall presume to demand or receive any further or other Fee or Reward than as is hereby set forth and directed, shall be deemed and taken to be guilty of Extortion and liable to be punished for the same according to Law.

CAP. XXXIX.

An Act for the Incorporation of the *Saint John Mills and Canal Company*.

Passed 22d March 1834.

‘ **W**HEREAS it is thought that the opening Preamble.
 ‘ of Canals across the Necks of Land at the Falls
 ‘ of the Saint John River near the City of Saint
 ‘ John, would afford a good Water Power for
 ‘ driving Mill and other Machinery; and that it
 ‘ would be essential to the Success of the Under-
 ‘ taking that an Act of Assembly incorporating a
 ‘ Company for that Purpose should be granted ;
 ‘ and that the erecting of Mills at that Place,
 ‘ would materially benefit the Trade of the said
 ‘ City, and be of great Advantage to the lum-
 ‘ bering Interests of the Province;’

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That William Walker, James Kirk, John Robertson, William Leavitt, Isaac Woodward, Angus M. Kenzie, John V. Thurgar, James T. Hanford, Elisha De W. Ratchford, Moses H. Perley, John Wilson, and Thomas Wyer, and all and every such other Person and 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 erected into a Company, and declared to be a Body Politic and Corporate, by the Name of *The Saint John Mills and Canal Company*, and by that Name shall have

Persons herein named their Successors and Assigns incorporated by the Name of *The Saint John Mills and Canal Company*.

N Succession

Capabilities.

Succession and a Common Seal ; and by that Name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court or Courts of Law or Equity or Place whatsoever, and be able and capable in Law to have, hold, purchase, get, receive, take on Lease, erect, set up, possess and enjoy, Houses, Lands, Tenements, Hereditaments, Mills, Milldams, Booms, Waters, Water Privileges, Rents and Profits, in Fee Simple, Leasehold, or otherwise, and also Goods and Chattels, and all other Things real, personal and mixed, and also to give, grant, sell, let, assign or convey the same or any Part thereof, and to do and execute all other Things in and about the same as shall and may be thought necessary and proper for the Benefit and Advantage of the said Company ; and also that the said Company or the major Part of them shall from Time to Time and at all Times have full Power, Authority and License to constitute, ordain, make and establish such Bye Laws and Ordinances as may be thought necessary for the good Rule and Government of the said Corporation ; provided such Bye Laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of the Province, and those in Force within the same ; and provided also, that nothing herein contained shall be held or construed to give the said Company the Privilege of dealing in the lending of Money by way of Discount or otherwise, or engaging in any Banking Operations whatsoever.

Not to engage
in Banking.

Act to be deemed
public.

II. And be it further enacted, That this Act shall be accepted and taken and reputed to be a public Act, of which all and every the Judges and Justices of this Province in all Courts, and all other Persons, shall take Notice on all Occasions whatsoever, as if it were a public Act of Assembly relating to the whole Province, any Thing herein contained to the contrary thereof in anywise notwithstanding.

CAP.

CAP. XL.

An Act to revive and amend an Act to incorporate sundry Persons by the Name of the Saint John Water Company.

Passed 22d March 1834.

I. **BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Second Year of His present Majesty's Reign, intituled *An Act to incorporate sundry Persons by the Name of the Saint John Water Company*, be and the same is hereby declared to be in full Force and Effect, except as hereby altered and amended.

2 W. 4. C. 26,
declared in
Force except as
herein altered.

II. And be it enacted, That the said Company or Corporation shall not directly or indirectly deal or trade in buying or selling Gold and Silver Coins or Bullion, or Bills of Exchange or other negotiable Instruments, or any Goods, Wares, Merchandize, or Commodities whatsoever, or deal in the lending of Money, or in Bills of Exchange, or other negotiable Instruments, by way of Discount or otherwise, or engage in any banking Operations whatsoever.

Corporation not
to engage in
Banking.

III. And be it further enacted, That the Time for paying in *Five per Cent.* of the Capital Stock of the said Company shall be and the same is hereby extended to Two Years after the passing of this Act, instead of Twelve Months, as required by the Second Section of the said Act.

Time of Pay-
ment of 5 per
Cent. on Capital enlarged.

CAP. XLI.

An Act to establish and regulate a Summary Practice in the Supreme Court.

Passed 22d March 1834.

' **WHEREAS** the present Practice of proceeding in the Supreme Court where the Matter in Demand is under Twenty Pounds in Value, has been

Preamble.

‘been found to be attended with an Expense greatly disproportioned to the Amount in Question;’

Supreme Court may proceed in a summary Way in Actions of Debt &c. not exceeding £20.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That His Majesty's Supreme Court of Judicature in this Province is hereby empowered, in all Actions of Debt, Covenant, Assumpsit, Trover and Conversion, and Trespass to personal Property, instituted in the said Court, the Sum total whereof shall not exceed Twenty Pounds, to proceed in a summary Way, by the Examination of Witnesses in open Court or other legal Evidence, to try the Merits of such Causes wherein no dilatory Plea shall be admitted, and to determine thereon according to Law, and enter up Judgment accordingly, unless such Cause shall be put to Issue by a Jury, in which Case such Cause shall be tried according to the Rules and Practice of said Court as in other Cases.

Contents and Service of Writs, and Bill of Particulars.

II. And be it enacted, That in the said Causes the Bill of Complaint or Declaration shall be inserted in the Writ, a Copy of which, with a Copy of the Particulars of the Plaintiff's Demand, in Cases where the Defendant is entitled to the same, shall be served on the Defendant or Defendants, who shall at the Term to which the Writ is returnable, or within Twenty Days after, put in Bail or enter his or their Appearance in the said Action, and if he or they intend to defend the same file the general Issue and give a Copy thereof to the said Plaintiff or Plaintiff's Attorney, and the said Cause shall be tried and determined by the Court or Jury according to the Rules and Practice of the said Court, made or to be made for such Purpose; and in case the Defendant or Defendants shall not at the Term to which the Writ is returnable, or within Twenty Days after as aforesaid, file the general Issue in the said Cause, and give to the said Plaintiff or Plaintiff's Attorney a Copy thereof, that then Judgment may be

Bail or Appearance.

General Issue.

Trial.

Judgment by Default.

be entered by Default in the said Cause at the next succeeding Term, and the Court assess the Damages as has been heretofore accustomed.

III. And be it enacted, That the Clerk of the said Court shall keep a Book in which shall be entered a Memorandum of all final Judgments so given in every Cause, whether by Default, or tried or determined in a summary Way, either by the said Court or a Jury under the Provisions of this Act, a Copy of which said Judgment, certified by the said Clerk under the Seal of the Court, shall be Evidence of the said Judgment in all Courts within this Province.

Clerk to record Judgments.

IV. And be it enacted, That the Venue in all summary Causes within the Meaning of this Act, shall be set forth in the Margin of the Writ, subject to be changed by Rule or Order of the said Court, according to the ordinary Practice thereof, and if any Cause in which the Venue shall be laid or changed in or to any other County than the County of York, shall be defended and put to a Jury as aforesaid, the same shall be tried at *visi prius* in the County in or to which the Venue is laid or changed, in such Manner and Form as the said Supreme Court by general Rule or Order thereof shall prescribe and direct.

Venue.

V. And be it enacted, That the Fees attending the Prosecution of Suits in a summary Way as aforesaid shall be as follows: namely, To the Justices of said Court, on the Entry of every Cause, Three Shillings and Four Pence; Trial Three Shillings and Four Pence; Clerk, for signing and sealing the Writ and filing Precipe, One Shilling and Sixpence; Filing all other Papers Sixpence each; Filing Writ and entering Cause, One Shilling and Sixpence; Taxing Costs, One Shilling; Entering Memorandum and signing final Judgment, Three Shillings; Entering Defendant's Appearance and filing Plea, One Shilling and Sixpence; To the Attorney, on commencing

Fees.

Judges.

Clerk.

Attorney.

mencing every Action, for Writ, Precipe, Affidavit and Declaration, Eleven Shillings and Eight Pence; Copy thereof for Defendant, Five Shillings; Bill of Particulars Sixpence per Folio, for Original and Copy; Attending Taxation of Costs, One Shilling; Attending Execution of Writ of Inquiry, Three Shillings and Four Pence; and in all Cases that do not go to a Jury, for all other Proceedings until final Judgment, Eight Shillings and Four Pence; And for every Motion before the Court in Banc, actually made in open Court and entered in the Minutes, Three Shillings and Four Pence; On every Cause entered for Trial, and for every Argument before the Court in Banc, not less than Half a Guinea nor more than Two Guineas, in the Discretion of the presiding Judge; and for all other necessary Proceedings in the conducting of any Cause under the Provisions of this Act to final Judgment, not provided for in this Section, Sixpence per Folio; and in Actions tried at the Circuit, the Clerk of the Circuits be allowed Half the Fees now taxable in other Cases not summary.

Clerk of the
Circuits.

Costs of De-
fence.

VI. And be it enacted, That the Costs of defending in all Actions commenced or prosecuted under this Act shall be the same as are now allowed and taxable in the Inferior Courts of Common Pleas for like Services.

Practice in sum-
mary Actions.

VII. And be it enacted, That the ordinary Course of Practice of the Supreme Court shall regulate the Proceedings in summary Actions, in Matters not herein specially provided for, and that the Judges of that Court may from Time to Time establish such other Rules in Relation to summary Actions, not repugnant to this Act, as to them may seem expedient.

Ordinary Prac-
tice where Pro-
ceedings ought
to be summary.

VIII. And be it enacted, That if the Plaintiff proceed according to the ordinary Practice of the Court, in any Case in which by the Provisions of this Act the Proceedings ought to be summary,

ry, he shall not be entitled in any such Case to more Costs than if he had proceeded in a summary Manner, unless he obtained the Order of the Court or Judge for the larger Costs upon good Causes shewn therefor.

Costs.

IX. And be it enacted, That no Fees for the Execution of Writs, whether Capias or Summons, shall in any Case be taxable or allowed in the Costs, unless such Writ has been served by the Sheriff or some or One of his Deputies or Officers, unless it shall appear that such Sheriff, Deputy or other Officer shall have neglected or refused to serve such Writ or Writs.

Fees for Execution of Writs not taxable unless served by Sheriff or Deputy.

X. And be it enacted, That no Judgment in summary Actions shall affect or bind Lands; nevertheless in summary Actions Lands may be taken on Execution and sold under the like Regulations as in other Cases.

Judgments not to bind Lands.

XI. And be it enacted, That this Act shall not go into Operation, until after the Tenth Day of May next, and that all Actions commenced before this Act goes into Operation, shall be continued in to final Judgment in the same Manner as if this Act had not been made and passed, any Thing herein to the contrary notwithstanding.

Commencement of Act.

CAP. XLII.

An Act to erect a new Parish in the County of Sunbury.

Passed 22d March 1834.

‘ **WHEREAS** the Parishes of Burton and Lincoln in the County of Sunbury are so extensive as to render the Performance of the Duties of Parish Officers therein inconvenient and troublesome;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That all that Part of the said Parishes of Burton and Lincoln,

Parish of Bliss Ville erected as herein described.

in

in the said County, which lies on the Southerly Side of a Line drawn from the Boundary Line dividing the Counties of Sunbury and Queen's, through the South Point of the Gary Block (so called), and running North Sixty six Degrees West, by the Magnet, to the Division Line between the said County of Sunbury, and the County of York, be and the same is hereby erected into a separate and distinct Parish, to be called, known and distinguished by the Name of the Parish of *Bliss Ville*, any Law, Usage or Custom to the contrary thereof in any wise notwithstanding.

Commencement
of Act.

II. And be it further enacted, That this Act shall commence and go into Operation on the Twentieth Day of January which will be in the Year of our Lord One thousand eight hundred and thirty five, and the Justices of the Peace for the said County shall, at the First General Sessions of the Peace in the said Year to be holden, and thereafter in like Manner as for other Parishes in the said County, appoint Parish Officers for the said Parish of *Bliss Ville*, who shall be subject to the same Laws and Regulations, and liable to the same Penalties in all Respects, as Parish Officers in other Parishes are or may be subject or liable to.

Appointment of
Parish Officers.

Not to prevent
the Recovery of
Assessments
&c. due when
Act goes into
Operation.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the Recovery of any Parish, or other Dues, Assessments, Taxes, Penalties, Fines or Monies whatsoever, which may be due, incurred, forfeited or unpaid, when this Act shall go into Operation, but the same shall and may be paid, and recovered in like Manner as if this Act had not been made.

CAP. XLIII.

An Act to provide for the Payment of Interest on Warrants which are not paid at the Treasury on Demand.

Passed 22d March 1834.

WHEREAS it is expedient, for the due Preamble.
 Maintenance of public Credit, that Interest
 should be allowed on all Warrants payable at
 the Office of the Treasurer of this Province, and
 at such other of his Deputies as may be consi-
 dered necessary; And Whereas it is also de-
 sirable to prevent harrassing Applications at
 the Treasury, and to increase the Value and
 give Currency to all Warrants bearing Interest,
 by shewing at what Times they will be redem-
 able;

I. Be it enacted by the Lieutenant Governor, When Payment of a Warrant is demanded and cannot be paid, Treasurer to note the Demand.
 Council and Assembly. That when the Payment
 of any Warrant on the Treasury may be demand-
 ed by, or on Behalf of, the Person in whose Fa-
 vor the same is payable, and the same cannot
 then be paid by the Treasurer for the Want of
 Funds in the Treasury, the said Treasurer shall
 endorse on such Warrant a Memorandum of such
 Demand, agreeably to the Form in the subjoined
 Schedule; which said Warrant so endorsed shall Warrants so noted to bear Interest.
 then bear Interest at the Rate of *Six per Cen-
 tum per Annum* until Ten Days after Notice
 published in the Royal Gazette, (unless sooner
 paid,) that the Money for the Payment of such
 Warrant will be paid by the Treasurer on De-
 mand with all Interest due thereon.

II. And be it enacted, That it shall be the Du- Treasurer to publish the Warrants he is prepared to pay.
 ty of such Treasurer, at least once a Month, to
 publish in the Royal Gazette a List of such
 Warrants as he may be prepared to pay, and
 thereafter to pay the same on Demand with all
 Interest due thereon up to the Period of such
 Demand, not exceeding the Tenth Day after the
 Publication of such List.

Limitation.

III. And be it enacted, That this Act shall be in Force for Two Years and no longer.

SCHEDULE.

Treasurer's Office, ————— 1834.

£50.

Demanded June 5th 1834, bearing Interest.

R. S. Treasurer.

CAP. XLIV.

An Act to incorporate sundry Persons by the Name of *The President, Directors and Company of the Central Bank of New Brunswick.*

Passed 22d March 1834.

Preamble.

‘ WHEREAS it is thought that the Establishment of a Bank at Fredericton would promote the Interests of the Province by increasing the Means of Circulation;’

Persons herein named, their Successors and Assigns incorporated by the Name of *The President and Directors of the Central Bank of New Brunswick.*

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That Jedediah Slason, John Robinson, Hugh Josiah Hansard, T. V. W. Clows, Richard Ketchum, John A. Beckwith, Thomas Pickard, James Taylor, Amasa Coy, George Hayward, Thomas O. Miles, Charles S. Putnam, Thomas D. Smith, Thomas C. Everitt, Peter Fisher, Thomas Wyer, Thomas Barker, George J. Dibblee, Henry George Clopper, Richard English, Charles Perley, Jeremiah M. Connell, Charles Fisher, John T. Smith, James Taylor, Junior, and L. A. Wilmot, 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 Central Bank of New Brunswick*, and that 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

May possess
Lands, &c.

personal or mixt, 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 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 and Statutes of this Province.

May sue and be sued.

Have a common Seal.

Make Laws for Government of the Corporation.

II. And be it enacted, That the Capital Stock of the said Corporation shall consist of current Gold and Silver Coins of the Province, to the Amount of Fifteen thousand Pounds; the Sum of Seven thousand five hundred Pounds, One Half Part

Capital to be £15,000.

Part thereof, to be paid in current Gold and Silver Coins of the Province, within one Year from the passing of this Act, and the further Sum of Seven thousand five hundred Pounds within Two Years from the passing of this Act; the whole Amount of said Stock to be divided into Shares of Twenty five Pounds each, making in the Whole Six hundred Shares.

Divided into
600 Shares of
£25 each.

Corporation may
possess Lands,
&c. not ex-
ceeding £1500,
or to any
Amount by
Mortgage as
collateral Secu-
rity.

III. And be it enacted, That 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 Fifteen hundred Pounds: 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.

When 200
Shares shall
have been sub-
scribed, a Meet-
ing of the Stock-
holders to be
called, to make
Laws and choose
Directors.

IV. And be it enacted, That whenever Two hundred Shares shall have been subscribed of the said Capital Stock, 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, 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

Nine Directors, being Stockholders and Members of the said Corporation, under and in pursuance of the Rules and Regulations, herein after 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 Concerns 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 the 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 said Stockholders their Successors and Assigns.

V. And be it enacted, That 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 and every Year, at Fredericton; at which annual Meeting there shall be chosen by a Majority of the said Stockholders and Members of the said Corporation, Nine Directors who shall be resident in the County of York, 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 nor less than Five of the Directors in Office shall be reelected at such annual Meeting for the next succeeding Twelve Months, of which the President shall always be One.

Annual Meeting
of Stockholders
for Choice of
Directors.

Directors to ap-
point Officers,
Clerks, &c.

VI. And be it enacted, That 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.

All Expenses to
be paid from
the Corporate
Funds.

Not less than
Five Directors
to constitute a
Board.

VII. And be it enacted, That not less than Five Directors shall constitute a Board for the Transaction of Business, of which the President shall always be One, except in the Case of Sickness or necessary Absence, in which Case the Directors present may choose One of their Board as Chairman in his Stead; that the President shall vote at the Board as a Director, and in Case of there being an equal Number of Votes for and against any Question before them, the President shall have 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.

No Note offered
for Discount to
be excluded by
One Vote.

No Director to
have a Salary.

Stockholders
may compensate
the President.

VIII. And be it enacted, That no Director shall be entitled to any Salary or Emolument for his Services, but that the Stockholders and Members of the said Corporation may make such Compensation to the President, as to them shall appear reasonable and proper.

Qualification for
a Directorship.

IX. And be it enacted, That no Person shall be eligible as Director unless such Person is a Stockholder, and holding not less than Eight 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. X.

X. And be it enacted, That 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 Five thousand Pounds, 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 Trusts reposed in them.

Cashier and Clerk to give Bonds with Sureties.

XI. And be it enacted, That the Number of Votes which each Stockholder shall be entitled to, on every Occasion when in conformity to the Provision 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.

Scale of Votes.

XII. And be it enacted, That 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.

Stockholders may vote by Proxy.

XIII. And be it enacted, That 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 Twenty 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, that then and in such Case, it shall be lawful for any Stockholder

Number of Shares to be held by Members of the Corporation.

holder or Stockholders to increase his, her or their Subscriptions to Thirty Shares : Provided always, that no Stockholder shall be permitted to hold more than Fifty 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.

Vacant Directorships how to be filled up.

XIV. And be it enacted, That the Directors be 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.

Notice to be given when Stockholders are required to make Payments.

XV. And be it enacted, That 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 said Sum of Seven thousand five hundred Pounds shall be actually paid in and received on Account of the Subscriptions to the Capital Stock of the said Bank.

No Bank Bill to be issued or Note discounted till £7,500 are paid in.

When £7,500 are paid in, Governor to appoint Commis-

XVI. And be it enacted, That as soon as the Sum of Seven thousand five hundred Pounds shall have been paid in current Gold and silver Coins,
and

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 Majesty's 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 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.

Commissioners to count the Money in the Vaults.

XVII. And be it enacted, That 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 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 and payable to the said Corporation; that in no Case shall any fractional Part of a Share, or other than a complete Share or Shares, be assignable or transferable; that whenever any Stockholder shall transfer, in Manner aforesaid, all his Stock or Shares in the said Bank to any other Person or Persons whatever, such Stockholder shall cease to be a Member of the said Corporation.

Shares to be assignable.

XVIII. And be it enacted, That the said Company shall not directly nor indirectly deal in any

Corporation to deal only in Bills of Exchange, Gold

and Silver or in
Sale of Goods
or Stock
pledged.

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.

Stockholders to
be individually
liable for the
Corporation
Debts in Proportion
to, but not
exceeding, the
Amount of their
Stock.

XIX. And be it enacted, That 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.

Joint Stock also
liable.

Bonds, Bills,
Notes, &c. to
declare Pay-
ments to be
from the Joint
Funds of the
Corporation.

XX. And be it enacted, That 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

holders in their individual Capacities by the Nineteenth Section of this Act.

XXI. And be it enacted, That the total Amount of the Debts 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.

Debts not to exceed Twice the Amount of Capital paid in.

Liability of Directors in Case of Excess.

XXII. And be it enacted, That 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.

Directors to make half yearly Dividends.

XXIII. And be it enacted, That 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.

Books, &c. to be subject to the Inspection of the Directors.

XXIV. And be it enacted, That 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.

Bills or Notes to be signed by the President and Cashier.

XXV. And be it enacted, That 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.

Corporation to pay to a *bona Fide* Holder the original Amount of any altered Note.

The Bank to be kept at Fredericton.

XXVI. And be it enacted, That the said Bank shall be kept and established at Fredericton, 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.

Statement of the Affairs of the Corporation to be laid before the Stockholders at the annual general Meeting.

XXVII. And be it enacted, That 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 the Gold and Silver 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 Provisions for Dividends; which Statements 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 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.

Duplicate for the Governor and Legislature.

No Loan on Pledge of Stock.

XXVIII. And be it enacted, That no Loan shall be made by the said Bank on the Pledge of its own Stock.

Joint Committee of Legislature to have Access to Books and Vaults.

XXIX. And be it enacted, That 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.

XXX.

XXX. And be it enacted, That any Number of Stockholders, not less than Twelve, who together shall be Proprietors of Two 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 the like Power at any Time, upon observing the like Formalities, to call a general Meeting as aforesaid.

Stockholders or Directors may call General Meetings.

XXXI. And be it enacted, That 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 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 after the Notice of such Dissolution.

On Dissolution Directors to close the Concern.

Liability for Bills issued and not paid.

XXXII. And be it enacted, That the Aggregate of all the Debts due from the Directors of the said Bank as Principals, Endorsers or Sureties

Amount of aggregate Debts of Directors to Bank.

ties

ties shall not at any One Time exceed Thirty three and one third *per Centum* of the Capital Stock.

Cashier to make
semi-annual Re-
turns of State of
Bank to the
Provincial Se-
cretary's Office.

XXXIII. And be it enacted, That the Cashier of the said Bank shall Semiannually, that is to say, on the First Monday in January, and the First Monday in June, in each and every Year, make a Return of the State of the said Bank as it existed at Two 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, viz:

FORM OF RETURN.

State of——Bank, on the——Monday of——
18—, 2 o'Clock, P. M.

DUE FROM BANK.

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 THE BANK.

Gold, Silver, and other coined Metals in its
Banking House,
Real Estate,
Bills of other Banks incorporated in this Pro-
vince,
Balances due from other Banks,

Amount

Amount of all Debts due, including Notes, Bills of Exchange, and all Stock and funded Debts of every Description, excepting 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 said Bank, who shall make Oath or Affirmation, before some Magistrate qualified to administer Oaths, to the Truth of 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 said Bank shall certify and make Oath or Affirmation before the same Magistrate as the said Cashier, that the Books of 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, true Copies of such Returns as aforesaid as he may have received since the then last previous Session.

Return of Stockholders to be made when required.

Copies of Returns to be laid before the Legislature.

XXXIV. And be it enacted, That 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 Two 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

List of Delinquents to be furnished to the President on Discount Days.

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 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.

No Director on the delinquent Sheet to sit at the Board.

Disqualification of Directors for Delinquency.

XXXV. And be it enacted, That in the Event of any Director continuing a Delinquent as aforesaid, for Ninety consecutive Days at any One Time, such continued 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 Fourteenth Section of this Act as in the Case of Death or Absence from the Province.

Act to be deemed Public.

XXXVI. And be it enacted, That this Act shall be deemed and taken to be a public Act and shall be judicially taken Notice of as such without being specially pleaded.

Limitation.

XXXVII. And be it enacted, That this Act shall continue and be in force until the First Day of May which will be in the Year of our Lord One thousand eight hundred and fifty four.

CAP. XLV.

An Act to regulate Proceedings before Justices of the Peace in Civil Suits.

Passed 22d March 1834.

I. BE it enacted by the Lieutenant Governor, Council and Assembly, That the following Acts of Assembly, giving Jurisdiction to Justices of the Peace in Civil Suits, be and are hereby repealed

pealed, viz : An Act made and passed in the Fiftieth Year of the Reign of King George the Third, intituled *An Act for the more easy and speedy Recovery of small Debts*; also an Act made and passed in the Eleventh Year of the Reign of King George the Fourth, intituled *An Act to alter and amend an Act for the more speedy Recovery of small Debts*; and an Act made and passed in the Second Year of the Reign of King William the Fourth, intituled *An Act to amend an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third intituled "An Act for the more easy and speedy Recovery of small Debts."*

50 G. 3, c. 17.

11 G. 4, c. 21.

and

2 W. 4, c. 21

repealed.

II. And be it enacted, That every Justice of the Peace shall have Jurisdiction over, and Cognizance of, the following civil Actions: Jurisdiction of Justices.

First. Actions for the Recovery of any Debt, wherein the Amount of the Debt or Sum in Demand shall not exceed Five Pounds.

Second. Actions of Trespass, and Trespass on the Case, including Trover, for Injuries to personal Property wherein the Damages claimed shall not exceed Forty Shillings.

Third. Actions of Trespass to real Property wherein the Damages shall not exceed Forty Shillings.

Provided that no Justice of the Peace shall have Cognizance of any Civil Action: Exceptions.

First. Where the King is a Party.

Second. Where the Title to Land shall in any Wise come in Question.

Third. Nor of any Action for the Recovery of any Debt or Debts where the Sum total of the Plaintiff's Demand or Cause of Action shall exceed Five Pounds, and shall not have been reduced by actual Payments as low as Five Pounds.

Fourth. Nor of any Action for a Debt by Specialty, which shall not be for Payment of a Sum certain.

Fifth. Nor of Actions against Executors, Administrators, Trustees of absconding Debtors, or Corporations.

Regulations as
to Proceedings.

III. And be it enacted, That the following Regulations shall be kept and observed in regard to the Process and Proceedings before Justices of the Peace in civil Suits; (that is to say,)

By and against
whom Actions
may be brought.

That Actions cognizable before any Justice of the Peace, may be brought by and against all Persons who sue or are sued in their own Right, and by Executors, Administrators, Trustees of absconding Debtors, Corporations and all other Persons to whom any Right of Action is given by Law.

No Exemption
from Jurisdic-
tion by Privilege.

That no Person shall be exempted from the Jurisdiction of Justices' Courts, by reason of any Privilege of the General Assembly or of any Privilege as an Attorney, Solicitor, Clerk or other Officer of any Court of Law or Equity.

Actions by and
against Minors.

Provided that no Process shall be issued for a Plaintiff under the Age of Twenty one Years. (except for a Menial or other Servant for Wages,) until a next Friend for such Plaintiff be appointed; and that upon Application made, the Justice shall appoint some suitable Person, who will consent thereto in Writing, to be named by such Plaintiff, to act as his next Friend in such Suit, who shall be responsible for the Costs therein.

That no Action shall be brought or maintained against any Person under the Age of Twenty one Years, for or upon any Debt, Contract or Agreement, except for Necessaries.

That upon the Request of a Defendant under the Age of Twenty one Years, the Justice may appoint some Person to be named by the Defendant, or if the Defendant neglect to nominate, the Justice may in his Descretion appoint some fit Person, as Guardian for the Defendant, who shall be allowed to defend for the Infant, but who shall not be liable for Costs in the Suit.

That

That no Justice shall hold a Court for the hearing or Trial of any Action to be brought under the Provisions of this Act, in any other Parish than that in which such Justice resides, excepting he should be requested to attend at the Residence and in Behalf of some other Justice as hereinafter provided.

Justice to hold Court in Parish where he resides.

Exception.

That every Action coming within the Jurisdiction of a Justice's Court shall be brought before some Justice.

Actions within Jurisdiction of, to be brought before a Justice.

That all Suits shall be commenced by Process, and Process shall be either a Summons or a Capias.

Suit to be by Summons or Capias.

That the ordinary Process in all Cases shall be a Summons directed to any Constable of the Parish wherein the Defendant resides or may be found, commanding him to summon the Defendant to appear before the Justice who issued the same, at a Time and Place to be named in such Summons, not less than Six nor more than Thirty Days from the Date of the same, to answer the Plaintiff for the Cause of Action in the same Summons to be mentioned; which Summons may be served by any Constable of the Parish, or by any other Person who may, at the Instance of the Plaintiff, be specially appointed by the Justice, and whose Name shall be endorsed by the Justice on the Summons, at or before the Delivery thereof to such Person; Provided that no Person other than a Constable shall be entitled to any Fees upon the Service of such Summons.

Summons.

Service.

That a Summons shall in all Cases be served at least Six Days before the Time of Appearance mentioned therein, in the Manner following; (that is to say,)

First. If the Defendant shall be found, it shall be served by Delivery to him of a Copy thereof; and by reading the same to him, or acquainting him with the Contents, if required by him.

Second. If the Defendant shall not be found, it

Summons.

it shall be served by leaving a Copy thereof at his last Place of Abode, in the Presence of some Person residing in the House, of suitable Age and Discretion, who shall be informed of its Contents.

Return.

That every Constable serving a Summons shall return thereupon in Writing the Time and Manner in which he executed the same, and sign his Name thereto; and if required by the Justice, or either of the Parties, shall verify such Return by Oath before such Justice; or such Return may be verified by written Affidavit to be taken and subscribed before the said Justice or any other Justice of the Peace, or any Person authorized to take Affidavits in the Supreme Court; and that every Person, other than a Constable, serving a Summons, shall make a like Return, and shall verify the same by Oath or Affidavit as above provided.

Capias.

That a Justice shall, upon Application, issue a Capias, when it is made to appear on Affidavit, to be taken in Writing, of the Plaintiff or his Agent, that the Cause of Action does not exceed Five Pounds, that the Defendant is justly and truly indebted to the Plaintiff in a Sum to be specified in the Affidavit, which shall not be less than Twenty Shillings, after giving full Credit to the best of the Deponent's Knowledge or Belief for all Payments and Off Sets, that he doth verily believe that the Defendant is of the full Age of Twenty one Years, and that there is Danger of losing the Debt, if the Defendant be not arrested or held to Bail: Provided, that no Capias shall be issued against any Person having Privilege of the General Assembly, or against any Female.

Contents.

That a Capias shall be directed to any Constable of the Parish wherein the Defendant resides or may be found, and shall command such Constable to take the Defendant, and bring him forthwith before such Justice, unless he shall give good Bail to the Suit; and such Capias shall also

also state the Time and Place at which the Suit *Capias.* is to be heard and determined.

That a *Capias* shall be served by arresting the *Service,* Defendant, and at the same Time delivering him a Copy of such *Capias*, and also, if he shall require it, reading the same to him, or acquainting him with its Contents.

That the Constable shall upon such Arrest take *Bail:* Bail for the Defendant, if good and sufficient Bail be tendered; which Bail shall thereupon subscribe a Memorandum to be endorsed on the *Capias*, or written at the Foot thereof, to the Effect that he or they become Bail; but if such Bail be not tendered, he shall carry the Defendant before the Justice by whom such *Capias* was issued, or in Case of his Sickness or Absence, before some other Justice of the County. *Bail not tendered, Defendant to be taken before a Justice.*

That when a Defendant shall be brought before a Justice upon a *Capias*, such Justice shall either,

First. Admit him to Bail, if any One or more *Bail before a Justice.* responsible Person or Persons resident in the County be willing to become Bail, and shall subscribe a Memorandum to that Effect to be endorsed on the *Capias* or subjoined thereto, and shall, unless allowed by the Plaintiff, justify by Affidavit; which Affidavit shall state the Place of Residence and Occupation of the Person so offering himself as Bail, that he is really and *bona Fide* worth Double the Sum for which the Defendant may have been held to Bail, over and above what would pay all his just Debts, and in addition to the necessary wearing Apparel and Bedding of himself and Family, Fuel and Tools of Trade.

Secondly. Or take a Deposit to the Amount *Deposit.* of the Debt sworn to, together with Five Shillings for Costs, over and above the Constable's Mileage, the Amount of which Mileage shall also be deposited, as Security for the Defendant's satisfying the Plaintiff for the Amount which he may recover in the Suit. Thirdly.

Commitment.

Thirdly. Or, in Case of the Defendant failing to give such Bail, or make such Deposit, by Warrant under his Hand, commit the Defendant to the Gaol of the County till discharged by due Course of Law, or until the Debt and Costs be paid; such Warrant to state the Amount for which the Defendant is arrested, and the time of Detention; and that it shall be the Duty of the Constable thereupon to carry and convey the Defendant to the said common Gaol and deliver him to the Keeper of such Gaol, together with the said Warrant; but such Defendant shall not be liable to be detained in Custody for any longer Period than One Day for every Two Shillings of the Sum stated in the Warrant; and if charged in Execution while so in Custody on the Capias, the Time during which the Defendant shall have been confined under the Capias, shall go in Discharge of an equal Portion of the Imprisonment to which he would be liable under the Execution: Provided always, that no Gaoler shall be liable to an Action for detaining any Defendant so committed beyond the legal Period, unless he shall have demanded his Discharge, or unless such Detention shall appear to have been wilful and malicious.

Limitation of Imprisonment.

Release on Bail.

That a Defendant so committed to Gaol, shall any Time before final Judgment be entitled to his Release on Bail being put in for him, and justified or allowed as aforesaid, before the Justice who may have issued the Capias, or in Case of his Sickness or Absence, any other Justice of the County; and the Justice before whom such bail is put in shall grant an Order for the Release of the Defendant, directed to the Gaoler, who shall, upon the Delivery of such Order to him, discharge the Defendant from Custody.

Bail or Deposit taken by a Justice in a Case not pending before him.

That it shall be the Duty of a Justice taking Bail or receiving a Deposit, in a Case not pending before him, forthwith to transmit the Capias with the

the Endorsement of Bail thereon, or the Sum deposited, (as the Case may be,) to the Justice by whom the Capias may have been issued, who shall proceed thereupon in like Manner as if the Bail had been entered or deposit made with him.

That the Bail for any Defendant, whether entered before a Constable or a Justice, shall be answerable for the Defendant's paying the Amount of Debt and Costs which the Plaintiff may recover against him, or that his Body be rendered into Custody upon Execution, if such Execution be taken out and delivered to a Constable, for the purpose of being executed, within Forty Days after Judgment, or within Forty eight Hours after Service of a written Notice by the Bail to the Plaintiff or his Agent requiring such Execution to issue; and if such Execution be not taken out and delivered to a Constable within the said Period of Forty Days after Judgment, or within Forty eight Hours after such Notice as aforesaid, in either of such Cases, the Bail shall be discharged from any further Liability; Provided also, that the Bail may require the Plaintiff to take out Execution forthwith after Judgment, and may take and detain the Defendant until such Execution is prepared and delivered to a Constable, and thereupon commit him to the Custody of such Constable upon such Execution, and if the Plaintiff shall upon such Requisition refuse to take out Execution, the Bail shall be discharged; Provided also, that the Defendant so delivered by his Bail into Custody, shall be entitled to his Release, on pointing out to the Constable sufficient available Property whereon a Levy may be made for the Amount of the Execution and Charges.

Liability of Bail.

That every Constable serving a Capias, shall return thereupon in Writing the Manner in which he executed the same; and no Capias shall be served at any Time within Two Days before the Return thereof.

Return of Capias.

No Capias to be served within Two Days of Return.

That

When not served within Six Days, a further Day for hearing to be appointed.

That if the same shall not have been served Six Days before the Return, the Justice shall, on the Application of either Party, appoint a further Day for hearing the Cause, Notice whereof shall be given to the other Party, at least Six Days before the Day so appointed for the hearing; Provided that if the Defendant shall be in actual Custody and unable to find Bail, the Justice shall not postpone the Cause, without the Consent of the Defendant, unless the Plaintiff will agree to his Release from such actual Confinement.

Renewal of Summons or Capias.

That if any Summons or Capias be returned not served, it may from Time to Time be renewed by the Justice, who shall upon the Application of the Plaintiff issue an Alias or Pluries Summons or Capias; Provided that no more than one Pluries Writ shall be issued or allowed for in the Taxation of Costs.

Trial.
Conduct of Suit to be in Person or by Attorney.

That any Plaintiff or Defendant in a Suit before a Justice may appear and conduct his Suit either in Person, or by Attorney or Agent.

Authority of Agent or Attorney.

That the Authority of any Agent or Attorney may be either written or oral, but no such Agent or Attorney shall be allowed to advocate or take any Part whatever in the Conduct of the Proceedings, if objected to by the opposite Party, (except when he appears on behalf of a Defendant then in actual Custody at the Suit of the Plaintiff and unable to appear himself,) unless he make Oath that he has not directly or indirectly received any Fee, Hire or Reward for his Services as such Attorney or Agent, that he has not any Expectation of receiving, and that he will not accept or receive, any Pay, Remuneration, or Gratuity, for his Attendance or Services already rendered or to be rendered to the Party in the Conduct of the Suit.

Defence.

That the Defendant upon Appearance may without any written or formal Plea, defend the Suit, and resist the Plaintiff's Right of Action.

That

That in any Action brought for the Recovery ^{Set Off.} of a Debt; the Defendant may set off any Debt or Sum which may be owing to him by the Plaintiff; Provided that the same is due to the Defendant in his own Right, either as being the original Creditor or Payee, or as being the Assignee of a Demand legally assignable, and was so due at the Time of the Commencement of the Suit; and if the Set Off be founded on a Bond or other Instrument having a Penalty, the Sum really and justly due by Virtue of its Condition only shall be set off: Provided also, that if there be several Defendants the Demand set off must be due to them all jointly.

That if the Amount of the Set Off duly established be equal to the Plaintiff's Debt, Judgment shall be entered for the Defendant with Costs; if it be less than the Plaintiff's Debt, the Plaintiff shall have Judgment for the Residue only with Costs; if it be more than the Plaintiff's Debt, and the whole Amount of such Set Off do not exceed Five Pounds, Judgment shall be rendered for the Defendant for the Excess or Balance with Costs.

That if the Amount of the Defendant's Set Off proved, exceed Five Pounds, the Justice shall, if required by the Defendant, set off the same against the Plaintiff's Demand, and shall render Judgment for the Defendant for his Costs; in which Case no other Action shall be brought by the Defendant for the Subject Matter of such Set Off; but if the Defendant shall not require this, the Justice shall enter Judgment of Non Suit for the Defendant with Costs; and the Defendant may thereafter sue for and recover his Demand, in any Court having Cognizance thereof, in which Action, the Plaintiff may set off the Demand so sued for in the Justice's Court.

That if upon the Trial of a Cause, it shall appear that the Amount of the Plaintiff's Claim ^{Plaintiff's Claim exceeding Five Pounds.} exceeds

exceeds Five Pounds, Judgment shall be rendered against the Plaintiff with Costs.

Set Off against Demands by Executors, Administrators, or Trustees of absconding Debtors.

That in Suits brought by Executors or Administrators, the Defendant may set off Demands existing against their Testators or Intestates, and belonging to the Defendant at the Time of their Death, in the same Manner as if the Action had been brought by and in the Name of the Deceased.

That, in like Manner, in Suits brought by Trustees of absconding Debtors, the Defendant may set off Demands existing against such Debtor and legally belonging to such Defendant at the Time of the Debtor's absconding.

That whenever a Set Off is established in a Suit brought by such Executors, Administrators or Trustees, the Judgment shall be against them in their representative Character, and shall be Evidence of a Debt established, but Execution shall not issue thereon.

Title to Lands in Question.

That if it appear on the Trial that the Title to Lands is in Question, the Justice shall dismiss the Cause, and render Judgment for the Defendant, for his Costs.

Particulars of Demand to be filed before Issuance of Summons or Capias.

That every Person applying to a Justice for a Summons or Capias shall, at or before the issuing of the same, file with the Justice a Statement or Particular of his Demand or Cause of Action; and the Justice shall, if required by the Plaintiff, annex a Copy of the same to the Copy of the Process to be served on the Defendant with the Process.

Particulars of Set Off.

That every Defendant having a Set Off shall file with the Justice, or deliver to the Plaintiff, a Particular of such Set Off, at least Two Days before the Day appointed for hearing the Cause.

That the Justice shall at all reasonable Times exhibit such Particulars to the opposite Party, and if required deliver a Copy of the same, the Applicant paying to the Justice his Fee therefor.

Parties to be

That the Parties shall at the Trial of the Cause be

be confined to their respective Particulars, and shall not be allowed to go into Evidence of any Matter or Demand not contained therein.

confined to their Particulars.

That upon the written Application of both Plaintiff and Defendant, the Justice may proceed to the Hearing and Determination of a Cause at any Time which may be mutually agreed on, either previous or subsequent to the Day on which the Process is returnable.

Time of hearing Cause may be altered on Application of Parties.

That the Justice may at his Discretion, upon the Application of either Party, adjourn the hearing of the Cause, on account of the Absence of a material Witness, to some future Day, and may also at his Discretion, for a like Cause, further adjourn the same; but no Cause shall be so adjourned except it be made to appear on Affidavit, that Justice cannot be done for Want of such Witness, specifying him by Name, and that there is reasonable Ground to believe that his Attendance can be procured at the hearing, in case such Adjournment be made: Provided that when the Defendant is in actual Custody, and shall make it appear by Affidavit that he is unable to procure Bail or make Deposit, the Justice shall not adjourn the Cause, at the Instance of the Plaintiff, unless such Plaintiff shall consent to the Release of the Defendant from Confinement.

Adjournment of hearing.

That where the Summons has been served by leaving the same at the dwelling House of the Defendant, and it shall be made to appear to the Justice upon Affidavit, that such Defendant was absent from his Dwelling House and has not since returned thereto or had Notice of such Summons, the Justice may in his Discretion adjourn the hearing of the Cause.

That no Adjournment shall in any Case be allowed, without the Agreement of both the Parties, to any Time beyond Three Calendar Months from the Return of the Process.

That any Justice of the Peace, may issue Sub-

Subpœna, Issue.

pœnas

Subpœna.

pœnas to compel the Attendance of Witnesses to give Evidence on any Trial depending before himself or any other Justice; and such Subpœna shall be valid to compel the Attendance of a Witness being in the same County where the Cause is to be tried, or in an adjoining County.

Service.

That a subpœna may be served either by a Constable or any other Person, and it shall be served by shewing the same, and delivering a Copy or Memorandum thereof to the Witness, and by paying or tendering the Fees allowed by Law, if demanded at the Time by the Witness.

Liability for
Nonappearance.

That every Person subpœnaed as a Witness, and neglecting or refusing to appear or testify, shall be liable to the Party in whose Behalf he shall have been subpœnaed, for all Damages which such Party shall sustain by reason of such Nonappearance or Refusal.

Record Book to
be kept by every
Justice.

That every Justice of the Peace holding a Court for the Trial of Causes shall keep a Book, in which he shall fairly enter all Causes tried before him, whether with or without a Jury, or in which Judgment shall be given by him by Default or otherwise.

Causes to be
tried at Return
of Process, &c.
before the Jus-
tice who issued
the Process, or
in Case of Sick-
ness, &c. be-
fore some other
Justice.

That every Cause shall be heard and determined at the Return of the Process, if duly served, or on some other Day which may be appointed for that Purpose according to the foregoing Provisions, before the Justice who issued such Process, or in Case of his Sickness or Inability to attend, or in Case of his being a necessary Witness for either Party, before some other Justice of the Peace for the same County, and resident either in the Parish where the Court sits or where the Defendant may have been found, who at the Request of the Justice who issued the Process may attend for that Purpose, and the Justice (unless a Jury shall have been duly demanded) shall proceed to hear the Proofs and Allegations of the Parties, and to determine the same as the very Right of the Case may appear. That

That in Cases where the Cause shall be heard and determined, and Judgment given by any Justice attending in the Place of another Justice, as provided for in the foregoing Section, the Cause shall be entered in the Book of the Justice by whom the Judgment shall be given, and shall be considered as transferred to the Court before him, and Execution shall be awarded by, and all other incidental Proceedings had before him, in the same Manner as if the First Process had been issued by such Justice.

Causes tried before a Justice attending for another Justice, to be recorded and proceedings had as if originally brought before him.

That if the Defendant do not appear to make a Defence, the Justice shall proceed to assess the Debt or Damages as to him shall appear just, and may make such Assessment upon any Bond, Bill, Note or other written Security for the Payment of any Sum certain, without further Evidence ; and such Security shall be marked by the Justice, and remain on File in his Possession ; he may also assess the Debt or Damages on the *viva Voce* Examination or the Affidavit of the Plaintiff or any other Person ; which Affidavit may be made before the said Justice or any other Justice of the Peace, or any Person authorized to take Affidavits to be read in the Supreme Court ; and in Actions for the Recovery of any Debt where the Particulars have been filed with the Justice, and a Copy thereof served on the Defendant with the Process, the Justice may make the Assessment upon the Proof of the Service of such Copy, without further Evidence.

Trial and Judgment when Defendant does not appear.

That on the Application either of the Plaintiff or Defendant, Two days at least before the Day of Trial, the Justice shall issue a *Venire* to any Constable of the Parish, disinterested between the Parties, commanding him to summon Three Persons duly qualified to sit as Jurors in Courts of Record, and who shall be in no Wise of Kin to either Party, to make a Jury for the Trial of the Action, who being duly sworn shall try the Cause and

and give their Verdict, and the Verdict so given shall be conclusive, and Judgment rendered accordingly; and if there be Application for Juries in several Causes to be heard on the same Day, the Justice may issue One *Venire* for all or any of the Causes, stating therein the Names of the Parties in such Causes.

Challenges of Jurors.

That the Justice shall allow all legal Challenges of Jurors; and if a sufficient Number of competent Jurors shall not attend, the Justice, in order to supply the Deficiency, may direct the Constable to summon some of the Bye Standers or other Persons who may be competent, and against whom no Cause of Challenge shall appear, to act as Jurors in the Cause.

Execution of *Venire*.

That the Constable to whom any *Venire* shall be delivered, shall execute the same fairly and impartially, and shall not summon any Person whom he has reason to believe biassed or prejudiced for or against either of the Parties; he shall summon the Jurors personally, and shall put the Names on the Back of the *Venire* or in a Schedule thereunto annexed, which shall be returned to the Justice.

Return.

That if the Constable to whom the *Venire* shall have been delivered, do not return the same as thereby required, or if a full Jury of three Persons shall not be obtained in the Manner above declared, the Justice may issue a new *Venire* returnable immediately or at some future Day to be by him appointed, to which the Trial shall be adjourned.

Jury to besworn.

That after the Jury shall have been duly sworn, they shall sit together and hear the Proofs and Allegations of the Parties which shall be delivered publicly in the Court.

Ex Parte Evidence.

That no *ex Parte* Affidavit of any Person shall be allowed or given in Evidence, nor shall either of the Parties testify, unless both Parties agree to allow the same.

That

That every Person offered as a Witness, before any Testimony be given by him, shall be duly sworn or affirmed, and may, if required by either Party, be First sworn or affirmed and examined as to his Interest in the Cause.

Witnesses to be sworn.

That after hearing the Proofs and Allegations, the Jury shall be kept together in some convenient Place, under the Charge of a Constable duly sworn, or some other fit Person to be specially appointed by the Justice and duly sworn, until they all agree upon the Verdict, and when they shall have agreed thereupon they shall deliver the same publicly to the Justice, who shall enter it in his Book.

Verdict.

That whenever a Justice shall be satisfied that a Jury sworn in any Cause before him, cannot agree on their Verdict, after having been out a reasonable Time, not less than Six Hours, he may discharge them, and shall issue a new *Venire* returnable at some future Day to be by him appointed, unless both Parties shall unite in an Application to the Justice to render Judgment on the Evidence already before him, which in such Case he may do: Provided that the Justice may, with the Consent of both Parties, discharge the Jury at any Time before the Expiration of Six Hours and proceed as above mentioned.

Jury not agreeing may be discharged, and a new *Venire* issued.

Justice may render Judgment on Application.

That every Person who shall be duly summoned as a Juror and shall not appear nor render a reasonable Excuse for his Default, or appearing shall refuse to serve, shall be liable to forfeit and pay Five Shillings to the Use of the Poor of the Parish wherein he shall be resident, to be sued for, recovered and levied with Costs, before the said Justice, in the Name of any One or more of the Overseers of the Poor for such Parish, in the same Manner as if the said Sum were a Debt due and owing to such Overseer.

Persons summoned as Jurors and not serving.

Penalty.

That Judgment of Nonsuit with Costs shall be rendered against a Plaintiff prosecuting a Suit before

Judgment of Nonsuit.

before a Justice of the Peace in the following Cases, if applied for by the Defendant ;

First. If he discontinue or withdraw his Action without the Consent of the Defendant ;

Secondly. If he fail to appear by himself, his Agent or Attorney, at the Return of the Process, or other Time appointed for hearing the Cause, and the Defendant be in Attendance and move for such Judgment ;

Thirdly. If he become nonsuited on the Trial.

Judgment for Defendant.

That Judgment for the Defendant with Costs shall be rendered whenever a Trial has been had, if it be found by Verdict of the Jury, or by the Decision of the Justice, as the Case may be, that the Plaintiff has no Cause of Action against the Defendant.

Judgment for Plaintiff.

That if upon Trial of the Cause, or upon an *ex Parte* hearing in those Cases where it may be had on the Defendant's failing to appear, a Sum in Debt or Damages shall be found in Favor of the Plaintiff, the Judgment shall be rendered against the Defendant for such Debt or Damages and the Costs.

Judgment and Execution against Joint Debtors.

That if Process shall have issued against Two or more Persons jointly indebted, and shall have been personally served upon either of the Defendants, the Defendant who may have been served with Process shall answer to the Plaintiff, and the Judgment in such Case, if rendered in Favor of the Plaintiff, shall be against all the Defendants, in the same Manner as if all had been served with Process, and Execution may issue against all the Defendants, but shall not be executed on the separate Property or the Body of any Defendant, who shall not have been served with Process, unless such Defendant shall have appeared at the Trial and defended the Suit ; and in such Cases the Justice shall endorse on the Execution a special Memorandum to direct the Constable as to the Service of the same.

That

That upon any Judgment being rendered before a Justice, he shall at the Instance of the successful Party issue Execution, but no Execution shall be issued by a Justice after the Expiration of One Year from the Time of rendering Judgment. Execution.

That the Execution shall be directed to any Constable within the Parish where the Defendant resides or may be found, and such Execution may issue and be served in any Parish within the County.

That every Execution issued by a Justice shall be dated on the Day when it is actually issued, and shall be returnable in Thirty Days from the Date thereof, unless a longer Time shall be requested by the Party in whose Behalf the same is issued, when the Return may be extended to any Time not exceeding Three months from the Date; and such Execution shall command the Constable to levy on the Goods and Chattels, excepting such as are by Law exempt from Execution, and bring the Money at a certain Time and Place therein to be mentioned before such Justice, to render to the Party who recovered the same; and if the Execution be issued against a male Person not having the Privilege of the General Assembly, it shall further command the Constable, if sufficient Goods or Chattels cannot be found to satisfy such Execution, to take the Body and convey the same to the common Gaol of the County, there to remain until such Execution shall be satisfied, or the Defendant discharged by due Course of Law.

That if an Execution be returned unsatisfied in Whole or in Part, a further Execution for the Amount remaining due thereon may be issued. Further Execution.

That the Constable to whom any Execution shall be delivered, shall proceed forthwith to levy the same, and unless the Debt or Damages and Costs be paid, shall take sufficient Goods and Chattels of the Party against whom the same is Levy.

S directed

directed to satisfy the same, and shall advertize the same in Two or more public Places in the Parish for Sale by public Auction, and such Advertisement shall describe the Goods and Chattels taken, and shall be put up at least Five Days before the Time appointed for the Sale.

Advertisement.

Sale.

That at the Time and Place so appointed, if the Amount remain unpaid, the Constable shall expose the Goods to Sale at Auction to the highest Bidder; he shall forthwith return the Execution and pay the Debt or Damages and Costs levied to the Justice who issued the same, returning the Overplus, if any, to the Person against whom the Execution issued; if the Goods shall remain unsold for Want of Buyers, the Constable may adjourn the Time of Sale for any Period not less than Twenty four Hours or more than Six Days, and may in such Case proceed to sell the same after the Return Day of the Execution, but shall immediately after such Sale make Return and Payment as above specified, and whatever Goods remain unsold after the Execution is fully satisfied shall be restored to the Party from whom the same were taken.

Return.

Adjournment of Sale.

Purchases by Constables void.

That no Constable shall directly or indirectly purchase any Goods or Chattels at any Sale made by him upon Execution, but every such Purchase shall be absolutely void.

Failing Goods and Chattels, Constable to take the Body.

That for Want of Goods and Chattels whereon to levy, the Constable shall in the Cases authorized by Law (unless otherwise directed by the Party in whose Favor such Execution shall issue) take the Body of the Person against whom the Execution is directed, and convey him to the common Gaol of the County or City and County, the Keeper whereof shall keep such Person in safe Custody until the Debt or Damages and Costs shall be paid, or he is thence discharged by due Course of Law; and the Constable so conveying any such Person shall exhibit to the Keeper of such

such Gaol, the Execution by virtue of which the Commitment is made, and the Gaoler shall thereupon enter the Particulars of such Execution in his Register.

That no Person so committed to Gaol shall be liable to be detained more than One Day for every Two Shillings of the Debt or Damages and Costs required by such Execution to be levied, or more than fifty Days in the Whole, if the Amount exceed Five Pounds; and every Person so committed shall be entitled to his Discharge at the Expiration of such Time.

Limitation of Imprisonment :

That notwithstanding the Discharge of the Defendant under the preceding Section, the Judgment upon which such Execution issued shall remain good against the Property of the Defendant, and a new Execution may be issued against his Property in like Manner as if he had not been imprisoned.

Judgment to remain in Force against the Property when the Defendant is discharged from Custody.

That no Female shall be arrested or imprisoned upon any Execution issued from a Justice's Court.

No Female to be arrested or imprisoned.

That if a Constable neglect to return an Execution within Ten Days after the Return thereof, except with the written Consent of the Party in whose Favor the same was issued, or neglect to pay over the Money received or levied thereon, for the Space of Five Days after he shall have received the same, such Party may maintain an Action of Debt against such Constable, and shall recover therein the Amount of the Execution with Interest from the Time of the issuing such Execution, and a Justice of the Peace shall have Jurisdiction of such Action, though the Amount of the Execution with Costs exceed Five Pounds.

Liability of Constables neglecting to return Executions.

That upon the Return of an Execution, duly issued according to the foregoing Regulations, against any Person who may have given Bail to a Suit in a Justice's Court, stating that sufficient Goods and Chattels of the Defendant could not be found, whereon to levy the Amount, and that the Body

Proceedings against Bail.

of

of the said Defendant could not be found, the Plaintiff may maintain an Action of Debt against such Bail jointly or severally, and shall recover therein the Amount of Debt or Damages together with the Costs in the original Suit, and such Judgment against the Bail shall be also rendered with Costs: Provided, nevertheless, that when the Amount of Debt or Damages exceed the Sum for which the said Defendant was arrested, the Bail shall only be liable to the Extent of that Sum and the Costs.

That a Justice of the Peace shall have Jurisdiction of such Actions against Bail, notwithstanding the Judgment against the Defendant may, together with Costs, exceed Five pounds.

Plaintiff recovering not more than £5 in any Court other than a Justice's not to be entitled to Cos's.

Exceptions.

That in any Action or Suit brought in any other Court than the said Justice's Court for any Debt, if the Plaintiff do not recover more than Five Pounds, he shall not be entitled to any Costs whatever, unless he obtain an Order of the Court or of the Judge before whom the Cause was tried, for entering up Judgment for Costs, upon the Ground of the Demand having been reduced by Set Off, or upon reasonable Causes shewn to such Court or Judge for bringing the Action in such other Court; and in case of any such Action or Suit being brought in the Supreme Court, and the Plaintiff recovering a less Sum than Five Pounds, if the Judge before whom the Cause shall be tried shall think fit to certify that there was no reasonable Cause for the Plaintiff bringing such Action in that Court, the Defendant shall be entitled to Costs, to be recovered by Process of Attachment, but no such Attachment shall be awarded for more than the Overplus in which such Costs may exceed the Amount of the Debt or Damages recovered by the Plaintiff in such Suit; and such Costs or so much thereof as will be sufficient to cover the same, shall go in Satisfaction of such Judgment.

That

That in all Cases of Judgment rendered before a Justice of the Peace in civil Actions, either Party thinking himself aggrieved by such Judgment may apply to a Judge of the Supreme Court for an Order to remove the same for Review.

Removal and Review.

Either party may apply for an Order for Removal for Review.

That the Party intending to apply for such Order shall make or cause to be made an Affidavit, setting forth the Substance of the Testimony and Proceedings before the Justice of the Peace, and the Grounds upon which an Allegation of Error is founded; which Affidavit shall be sworn before any Person authorized to take Affidavits to be read in the Supreme Court.

Affidavit setting forth the Testimony and Proceedings before the Justice, and Grounds of Error,

That such Affidavit shall, within Thirty Days after rendering such Judgment, be presented to a Judge of the Supreme Court, and if it shall thereupon appear to such Judge, that any Error has been committed by the Justice of the Peace or Jury, in the Proceedings, Verdict, or Judgment, by means whereof substantial Justice has not been done, or that the Justice had not Jurisdiction in the Cause, he shall grant his Order for Removal of the Cause before such Judge, at such Day and Place as he shall appoint, or before the Supreme Court at the next ensuing Term, if the Judge shall so direct: provided always, that such Judge may in his Discretion, before granting such Order, require the Party applying to execute a Bond to the opposite Party, with or without Sureties, and in such penal Sum as the Judge may direct, conditioned for the Payment of all Damages, Costs and Expenses, which may be awarded by the said Supreme Court or any One of the Judges thereof; which Bond shall remain with the said Judge, and shall not be put in Force without the Order of the Supreme Court, or of a Judge thereof.

To be presented to a Judge of the Supreme Court within Thirty Days after Judgment.

Order for Removal.

Bond for Damages and Costs.

That the Order for Removal shall, within Twenty Days after the same shall have been granted,

Order for Removal to be served on the

Justice who
gave Judgment.

granted, be served upon the Justice by whom the Judgment was rendered, together with a Copy of the Affidavit upon which the same was allowed, and the Sum of Five Shillings shall be paid to the Justice for his Fees for making a Return to the Order, and no Order shall be of any Effect, unless these Requisites shall have been complied with.

Service of Or-
der and Affida-
vit to stay Ex-
ecution.

That if the Order and Affidavit shall be served on the Justice before Execution shall have issued, it shall stay the issuing of Execution; and if the Execution shall have been issued and not collected, the Justice shall grant the Party requiring it a Certificate of the issuing of such Order, which, on being served on the Constable in whose Hands the Execution may be, shall suspend such Execution.

Return to be
made by the
Justice.

That the Justice before the Return Day of such Order, or within Fourteen Days after Service thereof, shall make Return thereto in Writing, in which Return he shall truly and fully answer to all the Facts set forth in the Affidavit, on which the Order was made; and such Justice shall forthwith make and transmit his Return to the Judge, pursuant to the Order, or deliver the same, if required, to the Attorney of the Party at whose Instance the same was granted, for the Purpose of being forthwith transmitted to the said Judge.

Justice may be
compelled to
make Return.

That the Supreme Court or any Judge thereof shall have Power to compel such Justice to make or amend such Return by Rule or Order, and by Attachment, if necessary.

Review before
the Judge.

That upon the Return to such Order being made, the Judge shall appoint a Day and Place for hearing the Matter, which may from Time to Time be adjourned as he may think fit; and Notice thereof shall be given to the opposite Party, by Service on the Person or at the Dwelling House, or by Order of the said Judge in Pre-
sence

sence of the Party or his Attorney, and the Judge shall proceed to hear the Parties, their Counsel or Attornies, and may receive any Affidavit, on either Side, explanatory of the Proceedings before the said Justice, and shall give Judgment in the Cause as the very Right of the Matter may appear, without regarding technical Omissions, Imperfections or Defects in the Proceedings before the Justice, which do not affect the substantial Justice of the Case, and may affirm, reverse or alter the Judgment, either as to Debt, Damages or Costs, in Whole or in Part, and may, if necessary, remit the Cause to the Justice of the Peace, for the Purpose of Execution being issued for the Amount awarded to either Party on such Review of the Proceedings, or may direct the Payment of such Money to be enforced by Attachment: Provided always, that the Judge by whom such Order may have been granted, may, at any Time before his final Determination of the Matter, adjourn the same for hearing before the Supreme Court at the next ensuing or any subsequent Term thereof, and in that Case the Cause may be brought on for Argument before the said Court, and Judgment shall be rendered by the Court in the same Manner, and to the like Effect as if heard and determined before a single Judge; and the Court may remit the same to the Justice of the Peace or enforce the Payment thereof in the same Manner as before provided in the Case of a Determination before a single Judge: Provided always, that in case of the Sickness or Absence of the Judge by whom any Order may have been so granted, the Matter may be heard before any other Judge of the Supreme Court, who shall thereupon be vested with the same Power and Authority in the Premises, as if the said Order had been allowed by him.

Adjournment for
Hearing before
the Court.

That if the Judgment be wholly affirmed or re-
versed, Costs shall be awarded to the successful
Party:

COSTS:

Party; that if the Judgment be affirmed in Part, or altered, Costs may be awarded, according to the Discretion of the Court or Judge; the Costs in all Cases before a Judge to be taxed and allowed by such Judge, and in all Cases before the Court to be taxed and allowed by any of the Judges or the Clerk, as usual in other Causes, and to be recovered by Process of Attachment.

Certified Copy of the Minute of Judgment, &c. to be Evidence of the Judgment, &c.

That a Copy of the Minute of the Judgment of the Supreme Court or of a Judge thereof, upon such Reviewal of any Judgment of a Justice's Court, certified under the Hand of a Judge by whom such Judgment may be given, or of the Clerk of the Court, if given by the Court, shall in all Courts be Evidence of the Judgment of such Supreme Court or Judge; and a Copy of any Rule or Order of such Court or Judge made in any of the Proceedings herein provided for, certified in like Manner, shall in all Courts be Evidence of such Rule or Order.

Decision of Court or Judge to be final.

That the Decision of any Judge of the Supreme Court, or of the Court, upon such Revision of the Proceedings before a Justice of the Peace, shall be final and conclusive.

No Judgment, &c. to be removed except under the Regulations herein provided.

That no Certiorari or other Process to remove any Judgment or Proceeding had before a Justice of the Peace in a civil Suit, under the Provisions herein contained, shall be issued or allowed by the Supreme Court or any Judge thereof, or any Order made for Removal of the same, except in the Manner and under the Regulations herein before provided.

Either Party to have the Benefit of the Statute of Limitations if claimed at the Trial.

That the Plaintiff shall not be entitled to recover, or the Defendant to set off any Debt or Demand barred by the Statute of Limitations, in any Action before a Justice of the Peace, if the Benefit of the Statute be claimed at the Trial; neither shall the Plaintiff be entitled to recover in any Action of Trespass or other Action before a Justice, where the Action is barred by the said Statute

Statute, if the Defendant claim the Benefit of such Statute at the Trial.

That in any Action before a Justice of the Peace for the Recovery of a Debt, the Defendant may at any Time, while the Suit is pending, pay into the Hands of the Justice such Sum of Money as he may think fit on Account of the Plaintiff's Demand, together with the Plaintiff's Costs then incurred, an Entry of which Payment shall be made in the Justice's Book; and if the Plaintiff, after Notice of such Payment, shall take further Proceedings, and shall not recover more in the Action for his Debt than the Amount so paid on that Account to the Justice, and his Demand shall not have been reduced below that Amount by any Set Off, Judgment shall be awarded for the Defendant with Costs.

Tender pending the Suit.

That a Defendant shall not be entitled to the Benefit of any Tender made before Action brought, unless he do pay the Sum so tendered into the Justice's Hands, at least Two Days before the Day appointed for the Trial or Hearing; neither shall such Tender be available in his Defence, if the Plaintiff make it appear that any Time after such Tender, and before Action brought, the Sum tendered was demanded by him from the Defendant and refused.

Tender before the Suit.

That where Money is so paid into a Justice's Hands pending a Suit as provided for in either of the Two next preceding Sections, the Plaintiff shall be entitled to receive the same upon Application therefor to the Justice, who shall make an Entry in his Book of such Application.

Plaintiff may receive the Tender in the Justice's Hands.

That if any Person upon Examination on Oath or Affirmation at the Trial or hearing of any Cause before a Justice of the Peace, shall wilfully and corruptly give false Evidence, or shall in any Deposition or Affidavit taken in Writing before any Justice of the Peace, or Person authorized to take Affidavits to be read in the Supreme Court,

Perjury.

Court, in any Manner relating to the Proceedings in any Cause before a Justice of the Peace, or on the Removal or Review thereof, wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending and being thereof lawfully convicted, shall be subject to the like Pains and Penalties as any Persons convicted of wilful and corrupt Perjury are by Law liable and subject unto.

Justice to sign Process, and not to deliver Blanks to be filled up and issued.

That every Process issued by any Justice of the Peace shall be signed by him, and that no Blank Process shall be delivered out by any Justice to any Person to be filled up and issued.

Neglect or Refusal of a Justice to pay over Money lodged with him in his Official Capacity.

That if any Money shall have been paid to a Justice of the Peace upon Execution or otherwise, in Satisfaction of the Debt or Damages recoverable in any civil Suit prosecuted before him in his official Capacity, and he shall have neglected or refused, after Demand, to pay over the same to the Party entitled thereunto, such Neglect or Refusal shall be deemed a Misdemeanor and be punishable as such, or the Party entitled to such Money, his Executors or Administrators, may maintain an Action in the Supreme Court for Recovery of the same, and in such Case the Action shall be a Bar to any criminal Prosecution for the same Offence.

Offences punishable as for Criminal Contempt.

That in the following Cases, and no others, a Justice of the Peace may punish, as for a criminal Contempt, Persons guilty of the following Acts:—

First. Disorderly, contemptuous or insolent Behaviour towards such Justice, while engaged in the Trial of a Cause, or in the rendering of any Judgment, or in any judicial Proceedings, which shall tend to interrupt such Proceedings or to impair the Respect due to his Authority.

Secondly. Any Breach of the Peace, Noise, or other Disturbance, tending to interrupt the official Proceedings of a Justice.

Thirdly.

Thirdly. Resistance wilfully offered by any Person, in Presence of a Justice, to the Execution of any lawful Order or Process made or issued by him.

Fourthly. Any wilful Refusal to testify on the Part of a Witness at any Trial before a Justice.

That Punishment for Contempt in the aforego- Punishment.
ing Cases may be by Fine, not exceeding Ten Shillings, or by Imprisonment in the common Gaol, not exceeding Three Days, or both, in the Discretion of the Justice ; and the Justice imposing such Punishment shall make a Record Record.
thereof, stating the particular Circumstances of the Offence, and the Judgment rendered, and shall issue his Warrant for levying such Fine by Distress and Sale of the Offender's Goods and Chattels, or committing such Offender to the common Gaol, or both, as the Case may be; which Warrant shall be directed to any Constable of the County; and the Fine when levied shall be paid to the Overseers of the Poor, for the Use of the Poor of the Parish wherein such Offender resides, or wherein the Levy may be made, as the Justice shall direct.

That every Justice shall, at the reasonable Re- Copy of Pro-
ceedings to be
furnished.
quest and Cost of any Party, furnish Copies of any Proceedings had before him in a civil Suit, or permit such Party to take such Copies.

That the Proceedings in any Cause had before Proof of Proce-
edings.
a Justice may be proved by producing the original Minutes of such Proceedings entered by such Justice, and the Oath of such Justice, or in Case of his Death or Absence, Proof of his Hand Writing, or they may be proved by producing Copies of such Minutes sworn to by a competent Witness as having been compared by him with the original Entries, with Proof that such Entries were in the Hand Writing of the Justice.

That every Justice shall carefully file and pre- Justices to file
all Affidavits
and Papers.
serve all Affidavits and Papers delivered to him
to

Upon Death or Removal to be filed with the Clerk of the County.

to be filed in any Cause, and upon the Death of such Justice, or his Removal from Office, the same shall be delivered to the Clerk of the Peace of the County, to be filed in his Office.

Every Justice to keep a Docket Book.

That every Justice shall keep a Docket Book or Minute of every Process, whether Mesne Process or Execution, issued by him, stating shortly the Substance of the Process, Names of the Parties, Date of Issuing and Return, Name of the Parish, and also the Name of any other Person other than a Constable, who may be specially appointed to serve such Process.

Mode of computing Time allowed in all Proceedings.

That in all Processes the Day of Service shall be considered exclusive, and the day of Appearance or Return, inclusive: and in like Manner the Number of Days allowed for any Proceeding in a Cause shall always be computed the First exclusively and the last inclusively.

Application of Deposits made in lieu of Bail.

That where a Deposit shall have been made with any Justice by a Defendant, in lieu of Bail, such Justice may apply the same to the Satisfaction of the Amount which may be awarded to the Plaintiff for his Debt or Damages and Costs, and shall on Demand return the Overplus, if any, to the Defendant; if such Deposit be not sufficient to satisfy the Amount recovered, the Justice shall, at the Request of the Plaintiff, issue Execution for the Balance; in case the Judgment shall be in favor of the Defendant, the whole Sum so deposited shall be returned to him on Demand.

Provision of 41 G. 3, c. 2, extended to Proceedings under this Act.

IV. And be it enacted, That the several Provisions of an Act passed in the Forty first Year of the Reign of His late Majesty King George the Third, intituled *An Act for the rendering of Justices more safe in the Execution of their Office, and for indemnifying Constables and others acting in Obedience to their Warrant*, shall extend to the Proceedings herein contained, and to the Protection of Justices and Constables in the same

same Manner and to the same Extent as therein provided, as fully as if the same were hereby repeated, and the same Protection shall be afforded to Constables acting in Obedience to any Process or Warrant, hereby authorized to be issued under the Hand of any Justice, as is in and by the Sixth Section of the said Act afforded to Constables acting in Obedience to the Warrants therein mentioned.

V. And be it enacted, That the Processes and proceedings in Actions before Justices of the Peace, and on the Removal thereof, shall be according to the Forms in the Schedule to this Act annexed, or in Words to the like Effect: and that the Fees therefor shall be taxed and allowed according to the Table contained in the Schedule to this Act annexed; and no Fees whatever shall be taxed or allowed for any Proceedings in Justices' Courts or on the Removal thereof, other than such as are set down and specified in the said Table.

Processes, Proceedings, and Fees, to be according to the Forms and Table in Schedule to this Act.

VI. And be it enacted, That no Process shall abate, or any Suit now pending before any Justice of the Peace, or in the City Court of the City of Saint John, under and by virtue of the Acts hereby declared to be repealed, shall be discontinued or abated by reason of such Repeal, but that all Processes, Suits and Proceedings shall be continued, determined and concluded, as if no such Repeal were made.

No Process or Suit under Acts hereby repealed to be discontinued or abated.

VII. And be it enacted, That the City Court of the City of Saint John shall be vested with the same Jurisdiction and Authority, as are by these Regulations prescribed for Courts before Justices of the Peace, and no other; but the Practice, Fees, Process, Forms and Modes of Proceeding in the said City Court, shall continue the same as now established, used and allowed, until otherwise regulated by Law.

City Court of St. John vested with same Jurisdiction as Courts under this Act.

VIII. And be it enacted, That whenever in any

Mode of construing this Act.

any of the foregoing Provisions Words importing the singular Number or the masculine Gender are used, yet the said Provisions shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Commencement
of this Act.

IX. And be it enacted, That this Act shall commence and take Effect on the First Day of July in the present Year.

Schedule.

SCHEDULE

Of Forms of Proceedings in Justices' Courts, and on the Removal thereof for Reviewal.

Number One.

SUMMONS.

—County, ss.

Summons.

To any Constable of the Parish of —. Summon C. D. to appear before me, at my Dwelling House, in the Parish of —, (*or at my Office in the Parish of, or otherwise as the Case may be,*) on — the — Day of —, at the Hour of —, in the —noon, to answer the Demand of A. B. for (*state the Amount claimed in Words at Length*) for (*state the Nature of Action, and if a Bill of Particulars be annexed to the Copy of Summons, add according to the Particulars herewith delivered*), and make Return hereof forthwith as by Law directed. Dated the — Day of — 183—.

N. M. J. P.

Alias Summons
Pluries,

Summon (as before) &c. *as in the foregoing.*
Summon (as often before) &c.

Returns.

RETURN.

Personal Service.

Personally served on the within named C. D. the — Day of — 183—, by me.

O. P. Constable.

Proved

Proved on Oath before me the — Day of
— 18—.

N. M. J. P.

Personally served on the within named C. D. the — Day of — 183—; the within named E. F. was not found.

Personal Service on One Defendant, another not found.

O. P. Constable.

Served on the within named C. D. by leaving a Copy at his last Place of Abode, in the Parish of — with his Wife, and acquainting her with the Contents.

Service at last Place of Abode.

O. P. Constable.

(or)

—With R. D. his Father, Mother, Son, Daughter, (as the Case may be) being a Person of suitable Age and Discretion, and acquainting him, (or her) with the Contents.

O. P. Constable.

—With R. S. a Clerk—

—With R. S. an Apprentice—

of the said C. D. who resides in his House and is of suitable Age and Discretion, and acquainting him with the Contents.

O. P. Constable.

Personally served on the within named C. D. — Day of — 183—; and served at the last Place of Abode of the within named E. F. in the Parish of — the same Day (or as the Case may be), by delivering a Copy to his Wife (or as the Case may be) and acquainting her with the Contents.

Personal Service on One Defendant, at the House of another.

O. P. Constable.

N. B. *Add the Attestation in all Cases where necessary.*

AFFIDAVITS OF SERVICE OF SUMMONS.

Affidavits of Service of Summons.

A. Z. of [state Residence and Occupation of Deponent] maketh Oath that he did on the — Day of — personally serve C. D. the Defendant in the annexed Process named, with a true
Copy

Personal Service.

Copy thereof [and at the same Time read the same to him *or* acquaint him with the Contents thereof.]

A. Z.

Sworn at — the — Day of — before —

NOTE. If the Process was not required to be read or explained to the Defendant, the Part between the Brackets may be omitted. If a bill of Particulars be annexed to the Copy of Process, the Affidavit should be as follows :

A. Z. of &c. maketh Oath that he did on the — Day of — personally serve C. D. the Defendant in the Process named, with a true Copy thereof ; annexed to which Copy was a Particular of the Plaintiff's Demand signed by — the Justice issuing the Process.

SERVICE AT DWELLING.

A. Z. Constable of the Parish of — maketh Oath that he did on the — Day of — leave at the last Place of Abode of E. F. the Defendant, a true Copy of the annexed Process with R. F. the Mother of the said E. F. (*or* with the Wife of the said Defendant, *or* with S. F. a Daughter of the Defendant of suitable Age and Discretion, *or* with L. M. a Clerk, *or* Apprentice, of the said Defendant residing in his Family, of suitable Age and Discretion,) and at the same Time acquainted her with the Contents.

Sworn at — the — Day of —.

A. Z. Constable of the Parish of — maketh Oath, that he did on the — Day of — personally serve E. F. One of the Defendants in the annexed Process named, with a true Copy thereof, and did on the — Day of — leave at the last Place of Abode of S. H. the other Defendant, a true Copy of such Process, with — [*as the Case may be,*] and at the same Time acquainted him with the Contents.

NOTE. If the Summons has been served in an adjoining Parish, the Limits of which extend to

a

Service at
Dwelling.

Personal Service
on One Defend-
ant and the A-
bode of another.

a greater Distance than Thirty Miles from the Place where the Court is holden, the Affidavit should state that the Summons was served within that Distance, and the following may be added to any one of the above Affidavits, and that the said Summons was served within Thirty Miles of the Justice's Dwelling, [or other Place whereto the Summons is returnable, as the Case may be.]

Number Two.

**AFFIDAVIT IN ORDER TO OBTAIN
A CAPIAS.**

A. B. of [*state the Place of Residence, Profession or Occupation of the Deponent*] maketh Oath that C. D. is justly and truly indebted to the said Deponent in [*state Amount and Cause of Action, which must not be under Twenty Shillings*] after giving full Credit, to the best of this Deponent's Knowledge or Belief, for all Payments and Off Sets, that the Cause of Action does not exceed Five Pounds, that he doth verily believe the said C. D. is of the full Age of Twenty one Years, and that there is Danger of losing the said Debt, if the said C. D. be not arrested or held to Bail.

Affidavit of Plaintiff to obtain Capias.

A. B.

Sworn at the Parish of ——— this ——— Day of ——— 183—. before

M. N. J. P.

R. S. of [*state the Place of Residence, Profession or Occupation of the Deponent*] Agent of [*or Clerk and Agent of*] A. B. of [*state Residence and Occupation of Plaintiff*] maketh Oath that C. D. is justly and truly indebted to the said A. B. [*conclude as in the foregoing Form.*]

Of Plaintiff's Agent.

Number Three.

**CAPIAS, RETURN, BAIL AND
DEPOSIT.**

——— County, ss.

To any Constable of the Parish of———.

Capias.

You are hereby required to take the Body of

C. D. and him safely keep till he shall give good Bail to answer the Demand of A. B. for [*state the Amount claimed in Words*] in an Action of Debt for [*as in Summons*] and to notify the said Defendant that the Cause will be heard before me, at my Dwelling House in the Parish of — on — the — Day of — at the Hour of — in the — noon. In Default of Bail being given you are required to bring the said Defendant before me, that he may be dealt with as the Law directs. Dated the — Day of — 183—.

N. M. J. P.

Oath for — Shillings.

N. B. *When the Defendant is brought before the Justice, he will either admit him to Bail, take a Deposit, or issue a Warrant for his Commitment. If Bail are offered, they must, unless allowed by the Plaintiff, justify according to the annexed Affidavit. If Deposit is offered, the Amount to be taken is the Sum sworn to, the the Amount of Constable's Mileage and Five Shillings.*

BAIL AND RETURN.

Memorandum
of Bail entered
before Constable.

I [*or We, as the Case may be*] do hereby consent to become Bail for the within named C. D. in this Suit. Dated the — Day of — 183—.

R. S.

T. V.

Constable's
Return.

The within Defendant was arrested and served with Copy of this Process on the — Day of — 183—, and Bail was given for him by R. S. of [*state the Name, Residence and Occupation of the Bail.*]

The within Defendant was arrested and served with Copy of this Process on the — Day of — 183—.

O. P. Constable.

Memorandum of
Bail entered before
a Justice.

I do hereby consent to become Bail for the within named C. D. in this Suit.

R. S.

Entered

Entered before me this — Day of — 183—.
 N. M. J. P.

The within named Defendant was brought before me, and made Deposit of the Sum of — Shillings this — Day of — 183—.

Memorandum of
 Deposit.

N. M. J. P.

Sum sworn to, £	- - -
Mileage,	- - -
For Costs,	- 5 -
	— — —
£	- - -
	— — —

R. S. maketh Oath that he resides in the Parish of — in the County of — and follows the Business or Occupation of a —, that he is really and bona Fide worth the Sum of [*Double the Sum sworn to*] over and above what will pay all his just Debts, and in addition to the necessary wearing Apparel and Bedding of himself and Family, Fuel, and Tools of Trade.

Number Four.

WARRANT OF COMMITMENT FOR WANT OF BAIL.

— County, ss.

To any Constable of the Parish of —, and to the Keeper of the Common Gaol of the County of —.

Warrant of
 Commitment
 for want of Bail.

Whereas C. D. has been arrested and brought before me, on a Capias issued by me, (or by K. L. Esquire, Justice of the Peace of the said County) at the Suit of A. B. upon Oath for the Sum of — Shillings, and is unable to give Bail or make Deposit; these are to authorize and require you the said Constable to convey the said Defendant to the said Gaol and deliver his Body to the said Keeper together with this Warrant, and you the said Keeper to receive the Body of the said Defendant, and him safely keep for — Days, unless sooner discharged by due Course of Law.

Given

Given under my Hand at the Parish of — the
— Day of — 183—.

N. M. J. P.

Number Five.

Appointment of
next Friend.

**APPOINTMENT OF NEXT FRIEND
FOR A MINOR.**

At the Request of A. B. who is under the Age
of Twenty one Years, S. L. of [*state Residence
and Occupation*] is appointed his next Friend in
a Suit against C. D. and hereby consents thereto.
Dated the — Day of — 183—.

S. L.

N. M. J. P.

Number Six.

AFFIDAVIT

To be taken if required by any Person appear-
ing as Attorney or Agent for a Party.

In the Court before N. M. Esquire, J. P.

Between { A. B. Plaintiff,
 and
 C. D. Defendant.

Affidavit by an
Agent or Attor-
ney.

J. K. of [*state Residence and Occupation*] who
appears as Attorney [*or Agent*] for the above
named Plaintiff [*or Defendant*] maketh Oath and
saith that he has not directly or indirectly receiv-
ed any Fee, Hire, or Reward or any Promise of
Fee, Hire or Reward, for his Services as such
Attorney [*or Agent,*] that he has no Expectation
of receiving, and that he will not accept or receive
any Pay, Remuneration, or Gratuity for his At-
tendance or Services already rendered, or to be
rendered to the Plaintiff [*or Defendant*] in the
Conduct of this Suit.

J. K.

Sworn before me the — Day of — 183—.

N. M. J. P.

Number Seven.

SUBPŒNA.

Issued by the Justice before whom the Cause
is pending. _____

— County, ss.

To E. F., J. K., G. H., L. M., S. R., T. V.

You and every of you are required to appear before me, at my Dwelling House, in the Parish of — on the — Day of — at the Hour of — in the — noon, to give Evidence on the Part of the — in a Suit now pending between A. B. Plaintiff, and C. D. Defendant, and then and there to be tried, [*if duces tecum, add here and you the said E. F. are required to bring and produce, at the Trial a certain Promissory Note, describe the Paper, Book, or whatever it may be,*] and take Notice that in case you neglect to appear and testify, you will be liable to the said — for any Damage he may sustain by Reason of such Neglect. Dated the — Day of — 183—.

Subpœna issued by the Justice before whom the Suit is pending.

N. M. J. P.

TICKET OF MEMORANDUM OF
SUBPŒNA.

Subpœna Ticket.

Between { A. B. Plaintiff,
 and
 C. D. Defendant.

E. F. is required to give Evidence in this Suit on the Part of the —, before me at my Dwelling House in the Parish of — on the — Day of — at — o'Clock in the — noon.

N. M. J. P.

To E. F. and G. H.

Whereas there is a Suit pending between A. B., Plaintiff, and C. D., Defendant, and to be tried before N. M. Esquire, One of His Majesty's Justices of the Peace for the County of — at his Dwelling House, in the Parish of — on the — Day of — at — o'Clock in the — noon, you and each of you are hereby required to appear and give Evidence in the said Suit, at the Time and Place aforesaid, on the Part of the — [*if a duces tecum, add here and you the* said

Subpœna issued by one Justice to appear before another.

said E. F. &c. *as before*] and take Notice, that if you neglect to appear and testify, you will be liable to the said — for all Damages he may sustain by Reason of such Neglect. Dated the — Day of — 183—.

Y. Z.

Justice of the Peace for the County of —.

Ticket.

Between { A. B. Plaintiff,
and
C. D. Defendant.

E. F. is required to give Evidence in this Suit, on the Part of the — before N. M. Esquire, Justice of the Peace, at his Dwelling House, in the Parish of — on the — Day of — at — of the Clock in the —noon.

Y. Z. J. P.

Number Eight.

VENIRE AND RETURN.

Venire for Jury. — County, ss.

To any Constable of the Parish of —.

You are hereby required to summon Three Persons duly qualified to sit as Jurors, and who are not of kin to either of the Parties, to come before me, at my Dwelling House, in the Parish of — on the — Day of — at — of the Clock in the —noon, to make a Jury between A. B. Plaintiff, and C. D. Defendant. Dated the — Day of — 183—.

N. M. J. P.

Return.

I have summoned the following Persons as Jurors for the Trial of the within cause, G. H. J. K. and L. M.

O. P. Constable.

Number Nine.

FORMS OF OATHS.

Oaths.

To witness on his *voire dire*.

You shall truly say whether you have an Interest, or can gain or lose by the Event of this Trial, and shall true Answer make to all such Questions

Questions as shall be asked of you touching your Interest in this Cause.

So help you God!

The Evidence you shall give to the Court (or to the Court, and Jury sworn, *as the Case may be*) touching the Matter in Question shall be the Truth, the whole Truth, and nothing but the Truth.

To witness in Chief.

So help you God!

You shall well and truly try this Cause between A. B. Plaintiff, and C. D. Defendant, and a true Verdict give according to the Evidence.

To Jurors.

So help you God!

You shall keep every One of this Jury sworn, in some convenient Place without Meat or Drink, you shall not suffer any Person to speak to them or either of them, neither shall you speak to them yourself, except it be to ask if they are agreed on their Verdict, without Leave of the Court.

To Constable or other Person to keep Jury.

So help you God!

Number Ten.

EXECUTION AND RETURN.

— County, ss.

To any Constable of the Parish of —.

Execution in the ordinary Form.

You are hereby required to levy of the Goods and Chattels of C. D. within your Parish — Shillings which A. B. recovered against him in the Court before me for — and also — Costs, amounting in the Whole to — besides the Costs of levying this Execution, and have the Money before me at my dwelling House, on the — Day of — to be rendered to the said A. B. For want of Goods and Chattels whereon to levy, you will take the Body of the said C. D. and deliver him to the Keeper of the Gaol of the said County; and the said Keeper will take the said C. D. into his Custody, and him safely keep for — Days, unless the said — and Costs be sooner paid; and how you shall have executed this

this Precept make Return to me at the Day and Place aforesaid. Given under my Hand this — Day of — 183—.

N. M.

Justice of the Peace for the County of —.

NOTE. If the Execution be against Two or more, and all have not been served with Process, or appeared, the Execution will only be against the Body of him who was served or appeared.

The Justice must insert the Number of Days of Imprisonment, being One Day for every Two Shillings due on the Judgment: If Part of the Money have been levied, a Memorandum shall be endorsed on the Execution stating the Balance due and Days of Imprisonment thus:

Balance due, Thirteen Shillings.

Days of Imprisonment, Six.

— County, ss.

To any Constable of the Parish of —.

You are hereby required to levy of the Goods and Chattels of C. D. within your Parish — which A. B. recovered against — in the Court before me for Debt, (or Damages,) and also — Costs, amounting in the Whole to — besides the Costs of levying this Execution, and have the Money before me at my dwelling House on the — Day of — to be rendered to the said A. B. and have there then this Precept. Given under my Hand the — Day of — 183—.

N. M.

Justice of the Peace for the County of —.

The Return of the within Execution is enlarged to the — Day of — Dated — Day of — 183—.

N. M. J. P.

I have levied the Damages and Costs as with- in directed.

O. P. Constable.

For Want of Goods and Chattels whereon to levy,

Against a Per- son having Pri- vilege of the General Assem- bly, or a Fe- male.

Endorsement to enlarge Return.

Return where the Amount is levied.

Where the Par-

levy, I have taken the Body of the within named C. D. and delivered him to the Keeper of the Gaol, as within directed. ty is committed to Gaol.

O. P. Constable.

I could not find any Goods or the Body of the said C. D. Non est.

O. P. Constable.

The separate Property of the within E. F. is not to be levied on.

Endorsement where a Defendant has not been served with Process or appeared.

Number Eleven.

SUMMONS AGAINST CONSTABLE.

For not returning Execution, or not paying over Money levied.

— County, ss.

To any Constable of the Parish of —.

Whereas on the — Day of —, an Execution for — Damages and — Costs on a Judgment recovered by A. B. against C. D. before me, was delivered to O. P. One of the Constables of the said Parish of — returnable on the — Day of — : And whereas the said O. P. has [not made Return of the said Execution,] as by Law directed, You are hereby required to summon the said O. P. to appear before me at my dwelling House in the said Parish on the — Day of — at — of the Clock in the — noon to answer to the said A. B. for the said Damages and Costs with Interest.

Summons against Constable for not returning Execution or not paying over Money levied.

And make Return hereof forthwith according to Law.

Dated the — Day of — 183—.

N. M. J. P.

NOTE. *If the Suit is for not having paid over the Money, omit the Words between Brackets, and say levied and not paid over the Money.*

Number Twelve.

SUMMONS AGAINST BAIL.

— County ss.

To any Constable of the Parish of —.

Summons against Bail.

W

You

You are hereby required to summon R. S. to appear before me, at my dwelling House in the Parish of — on the — Day of — at — of the Clock on the — noon, to answer the Demand of A. B. for [*state the Sum for which the Bail is liable, namely, the Amount sworn to in the original Action and Costs awarded*] which the said A. B. lately recovered in the Court before me against C. D. and for which Sum the said R. S. is liable as Bail for the said C. D. as is alleged; and make Return hereof forthwith as by Law directed. Dated the — Day of — 183—.

N. M. J. P.

Number Thirteen.

FORMS OF PROCEEDING ON REVIEW.

Proceedings on
Review.

Order of a
Judge of the
Supreme Court
for the Removal
of a Cause on
the Ground of
Injustice.

To N. M. Esquire, One of His Majesty's Justices of the Peace within the County of —.

Whereas C. D. hath made it appear unto me the Honorable W. C. Esquire, one of the Justices of the Supreme Court for the Province of New Brunswick, that in a Cause lately pending in the Court before you, wherein A. B. was Plaintiff and the said C. D. Defendant, substantial Justice has not been done to the said C. D. by the Judgment rendered in the said cause, and he is desirous that the said Judgment and Proceedings should be reviewed, I do therefore in pursuance of the Act of Assembly in such Case made and provided, hereby require you to return to me forthwith, distinctly and openly under your Hand, the Proceedings in the Cause aforesaid with all Things touching the same, in order that Right and Justice may be done in the Premises, and that you do answer the Allegations in the Affidavit of the said C. D. contained. Dated the — Day of — in the Year of our Lord — and in the — Year of His Majesty's Reign.

For Want of Ju-
risdiction.

Whereas C. D. hath made it appear unto me, the Honorable W. B. Esquire, One &c. that he

was

was lately impleaded by A. B. in a Cause before you, for a Matter not within your Jurisdiction as such Justice, and he is desirous &c. [*as in the foregoing.*]

Number Fourteen.

Know all Men by these Presents &c. [*Common Form.*]

Whereas upon the Application of the above bounden C. D. an Order has been made by the Honorable W. C. One of the Justices of His Majesty's Supreme Court for the Province of New Brunswick, for Removal before the said Justice (*or before the said Court*) of the Proceedings had in a Cause lately pending before N. M. Esquire, One of His Majesty's Justices of the Peace for the County of — wherein the above named A. B. was Plaintiff, and the said C. D. Defendant : Now the Condition of the above Obligation is such, that if the said C. D. shall well and truly pay or cause to be paid unto the said A. B. all Damages, Costs and Expenses which shall be awarded to the said A. B. by the said Supreme Court or any One of the Judges thereof, then the above Obligation to be void, otherwise to stand and remain in full Force.

Bond on Removal of Cause.

Number Fifteen.

In the Court before N. M. Esquire, J. P.

Between { A. B. Plaintiff,
 and
 C. D. Defendant.

Certificate to stay Execution.

On Judgment for £- - -
Damages and Costs - - -

The Constable to whom the Execution in this Cause was delivered, is hereby required to suspend further Proceedings on the same, and return the said Execution to me.

Dated the — Day of — 183—.

N. M. J. P.

Number

Number Sixteen.

**WARRANT TO LEVY A FINE FOR
CONTEMPT.**

— County, ss.

To any Constable of the Parish of —.

Warrant to levy
a Fine for Con-
tempt.

Whereas X. Y. has been guilty of insolent Behaviour towards me, in the Trial of a Cause between A. B. Plaintiff and C. D. Defendant, tending to interrupt the Proceedings in the said Cause, and was thereupon adjudged to pay a Fine of — Shillings for such Contempt, to the Uses hereinafter mentioned: You are hereby required forthwith to distrain the Goods and Chattels of the said X. Y. for satisfying the said Sum of — Shillings, and in case the said Sum should not be paid within Six Days next after the making of the said Distress, that you cause the said Goods and Chattels to be appraised and sold; and out of the Money arising from such Sale, you pay to the Overseers of the Poor of the said Parish of — to the Use of the said Poor, the said Sum of — Shillings as by Law directed, and that you render the Overplus arising from such Sale (if any be), the necessary Charges of making and selling such Distress being First deducted, to the said X. Y. and make Return hereof to me.

Given under my Hand and Seal the — Day of
— 183—.

N. M. J. P.

Number Seventeen.

**WARRANT OF COMMITMENT
FOR CONTEMPT.**

— County, ss.

To any Constable of the Parish of —.

Warrant of
Commitment for
Contempt.

Whereas X. Y. has been guilty of insolent Behaviour towards me, in the Trial of a Cause between A. B. Plaintiff and C. D. Defendant, tending to interrupt the Proceedings in the said Cause,

Cause, and was thereupon, for such Contempt, adjudged to be imprisoned — Days in the Common Gaol of the said County: These are therefore to require you the said Constable to take the said X. Y. and convey his Body to the Gaol of the said County, and there deliver him to the Keeper of the said Gaol together with this Warrant; and you the said Keeper are hereby required to keep in your Custody the said X. Y. for the said Term of — Days, and hereof fail you not.

Given under my Hand and Seal the — Day of — 183—.

N. M. J. P.

NOTE. The Justice will alter the Statement of the Offence in the foregoing Form, so as to suit the Facts of the Case, taking Care to state the Offence according to the Regulations.

Number Eighteen.

TABLE OF FEES.

FEES.

To be taxed and allowed in Civil Actions before Justices of the Peace, and on the Removal thereof.

TO THE JUSTICE.

To the Justice.

Summons,	£0	0	9
Each Copy of Summons,	0	0	3
Capias,	0	0	9
Each Copy of Capias,	0	0	3
Affidavits whereupon to grant Capias, and swearing,	0	1	0
Appointment of next Friend or Guar- dian,	0	0	6
A Subpœna,	0	0	4
Each Copy or Ticket thereof,	0	0	2
Every Adjournment made at the In- stance of either Party,	0	0	6
Trial and Judgment,	0	1	3
Swearing each Witness and Consta- ble,	0	0	3
Swearing Jury,	0	0	6

<i>Fees.</i>	Venire,	0 0 6
<i>To the Justice.</i>	Copies of Particulars and all other Papers which may be required from a Justice, per 100 words,	0 0 6
	Return to Judge's Order for Removal,	0 5 0
	Taking Bail and Justifying,	0 1 0
	Taking Deposit,	0 1 0
	Execution,	0 0 9
	If against joint Debtors requiring any special Endorsement,	0 1 0
	Certificate to suspend Execution,	0 0 3
	Judgment by Default and assessing Damages,	0 1 0
	On Money paid into Court by a Defendant pending a Suit, before Trial or Judgment, Two and a half per Cent, or Sixpence in the Pound, but no per Centage to be charged for receiving Money on Deposit in lieu of Bail, or upon Execution.	
	Affidavit of Service of Summons and swearing,	0 0 6
	Preparing Affidavit to be taken by Attorney or Agent, and swearing same,	0 1 0
	The same Fee to be allowed to any other requisite Affidavit not specially provided for and swearing.	

To the Constable.

TO THE CONSTABLE.

For serving a Summons and making a Return thereto,	£0 0 6
For Serving a Capias, do. do.	0 1 0
Taking Bail if entered into before Constable,	0 0 3
Return of <i>Non est</i> ,	0 0 3
Serving a Warrant to commit,	0 1 0
Summoning a Jury,	0 1 0
Attending at the Trial,	0 0 6
Summoning each Additional Juror if there are not sufficient Bye Standers,	0 0 3

Serving a Subpœna on each Witness,	0	1	0	<i>Fees.</i>
Serving an Execution on the Goods, for the first Pound or less,	0	1	0	<i>To the Constable.</i>
Do. do. all above One Pound for each Pound,	0	0	6	
Serving an Execution on the Body, If the Money is paid, for each Pound,	0	1	0	
Every Mile (when the Distance is more than One Mile) going from Constable's Residence to Place of Service when serving a Sum- mons, Capias or Execution; bringing Defendant before Jus- tice; from Place of Service to Justice's Residence; taking De- fendant to Gaol; the Constable to be allowed for all such neces- sary travelling both going and returning,	0	0	3	

TO WITNESSES.

To every necessary Witness for each Day's Attendance,	0	1	3	<i>To Witnesses.</i>
Travelling if over One Mile going and returning each Mile,	0	0	3	

JURORS.

Each Juror who shall be sworn in a Cause, if a Verdict be given,	0	1	0	<i>To Jurors.</i>
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TO A JUDGE OF THE SUPREME COURT.

Every Application for an Order to re- move Cause,	0	2	6	<i>To a Judge of the Supreme Court.</i>
For every Order to remove,	0	2	6	
Hearing the Cause upon Return of the Order and his Judgment thereupon,	0	10	0	
Every Affidavit,	0	1	0	
Taxing a Bill of Costs,	0	2	0	
Every Attachment, Summons, or other Order, made in the Course of any Proceeding before him,	0	2	6	

Fees.

**TO ATTORNEY OF THE SUPREME
COURT.**

To Attorney of the Supreme Court.	Drawing every Affidavit or other Pa- per, per Folio of One Hundred Words,	0 1 0
	Copy of the same per Folio,	0 0 6
	Every Order to remove and Copy thereof,	0 6 8
	Attendance on Judge for his Allow- ance,	0 3 4
	Every other necessary Attendance,	0 3 4
	Upon every Appeal heard or argued before the Judge, not less than Eleven Shillings and Eight Pence, and not exceeding two Pounds Six Shillings and Eight Pence, at the Judge's discretion:	
	If Argument be heard before the Court such Fee, not exceeding Three Guineas, as may be al- lowed by the Court.	
	Preparing Bond,	0 5 0
	Every Attachment,	0 5 0
	Every Notice or Summons and Ser- vice on the adverse Party,	0 2 0
